



The Calcutta Gazette.

WEDNESDAY, AUGUST 8, 1906.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL

LEGISLATIVE DEPARTMENT.

No. 1877, dated the 7th August, 1906.—In exercise of the power conferred by rule 4 of the Rules for the Conduct of the Legislative Business of the Bengal Council, the Lieutenant-Governor is pleased to order the publication of the following Bill, which it is proposed to introduce in the said Council, together with the Statement of Objects and Reasons and Notes on Clauses:—

A

BILL

to declare the law relating to Civil Courts in the district of Sambalpur.

WHEREAS it is expedient to declare the law relating to the Courts of Civil Judicature in the district of Sambalpur;

and whereas the previous sanction of the Governor-General has been obtained, under section 6 of the Indian Councils Act, 1892, to the passing of this Act;

It is hereby enacted as follows:—

title, extent &c. 1. (1) This Act may be called the Sambalpur Civil Courts Act, 1906;

(2) It extends to the territory declared by the Proclamation of the Governor-General in Council, No. 2853, dated the 1st August, 1905, to be subject to and included within the Bengal Province of the Presidency of Fort William;

(3) It shall come into force on such date as the Local Government may, by notification in the Calcutta Gazette, direct.

relating to Courts in the pur district. 2. Notwithstanding anything contained in section 2 of the Bengal and Assam Laws Act, 1905, the Central Provinces Courts Act, 1904, is hereby repealed in the district of Sambalpur,

and the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887 (which may hereafter be cited for all purposes, but without prejudice to any other mode of citation as the Bengal, Agra and Assam Civil Courts Act, 1887), is hereby extended to that district.

3. All Courts constituted, appointments, rules and orders made, jurisdictions and powers conferred and other things done in the said territory under the said Central Provinces Courts Act, 1904, or under any enactment repealed thereby, shall, so far as may be, be deemed to have been respectively constituted, made, conferred and done under the said Bengal, Agra and Assam Civil Courts Act, 1887.

[Cf. Act XI
of 1887, s.
(2).]

II of 1904.

XII of 1887.

4. Any enactment or document referring to the said Central Provinces Courts Act, 1904, or to any enactment repealed thereby, shall, in respect of the said district, be construed to refer to the said Bengal, Agra and Assam Civil Courts Act, 1887, or the corresponding portion thereof.

[Cf.
XII of 1887
s. 2 (2).]

XII of 1887.

5. Nothing in this Act shall affect any proceeding which, at the commencement thereof, is pending in any Civil Court in the Sambalpur district, and every such proceeding shall be continued as if this Act had not been passed.

[Cf. Reg. VII
of 1901, c. 34]

Provided that appeals from decrees and orders passed by Civil Courts and not appealed against before the commencement of this Act shall lie to the Court exercising the jurisdiction under the Bengal, Agra and Assam Civil Courts Act, 1887, which corresponds, as far as may be, to the jurisdiction of the Court to which such appeals would have lain if this Act had not been passed.

XII of 1887.

6. In clause (a) of sub-section (1) of section 36 of the Bengal, Agra and Assam Civil Courts Act, 1887, after the words "Chutia Nagpur" the word "Sambalpur" shall be inserted.

XII of 1887.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to bring the law relating to the Civil Courts in the district of Sambalpur into conformity with that in force elsewhere in the territory included within the Bengal Division of the Presidency of Fort William. Under the provisions of the Bengal and Assam Laws Act, 1905, the Central Provinces Courts Act, 1904, remains in force in that district. It is obviously most inconvenient, for administrative reasons, that the Courts in one single district of all those under the jurisdiction of the High Court of Judicature at Fort William in Bengal, should be governed by a special law which applies nowhere else. Moreover, the present arrangement whereby the words "High Court of Judicature at Fort William in Bengal" are to be substituted for the words "Judicial Commissioner," whenever they occur in the Central Provinces Courts Act, is impracticable.

NOTES ON CLAUSES.

Clause 2 provides for the repeal in the Sambalpur district of the Central Provinces Courts Act, 1904, and for the extension thereto of the Bengal, Agra and Assam Civil Courts Act, 1887. Sub-section (2) of section 28 of the United Provinces General Clauses Act, 1904 (United Provinces Act I of 1904), has given reason for the proposed change in the latter Act.

Clause 3 and 4 are required because sections 6, 8 and 24 of the General Clauses Act, 1897 (X of 1897), are not applicable to a case of this kind.

Clause 5 is necessary in order to provide for pending proceedings. The most convenient rule is that pending cases should remain with the old authorities and not be transferred to the new ones. But appeals should be made to Courts constituted under the Bengal Act.

Clause 6 is intended to amend section 36 of the Bengal, Agra and Assam Civil Courts Act, 1887, in order to make up for the absence in that Act of any provision corresponding to section 23 (1) of the Central Provinces Courts Act, 1904. Such absence would militate against the operation of section 97 of the Central Provinces Tenancy Act, 1893, clause (1) of which makes suits between landlords and tenants as such triable exclusively by Judges who are also either Revenue-officers or Settlement-officers. It is not desirable that the said provision of the Central Provinces Act should be altered at present.

T. W. RICHARDSON

The 1st August, 1906.

CALCUTTA.

L. C. ADAMI.

The 7th August, 1906.

Off. Secretary to the Bengal Council



The Calcutta Gazette.

WEDNESDAY, OCTOBER 24, 1906.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL

LEGISLATIVE DEPARTMENT.

No. 165T, dated the 23rd October, 1906.—In exercise of the power conferred by rule 44 of the Rules for the Conduct of the Legislative Business of the Bengal Council, the Lieutenant-Governor is pleased to order the publication of the following Bill, which it is proposed to introduce in the said Council on the 10th November, 1906, together with the Statement of Objects and Reasons and Notes on Clauses, for general information:—

A

BILL

to amend and supplement the Bengal Tenancy Act, 1885.

Whereas it is expedient to amend the Bengal Tenancy Act, ^{VIII of} 1885, in the manner hereinafter appearing;

And whereas the previous sanction of the Governor General has been obtained under section 5 of the Indian Councils Act, ^{35 & 36} 1892, to the passing of this Act;

It is hereby enacted as follows:—

Short title and extent. 1. (1) This Act may be called the Bengal Tenancy (Amendment) Act, 1907.

(2) It shall extend to all the territories for the time being under the administration of the Lieutenant-Governor of Bengal ^{VIII of} 1885, in which the Bengal Tenancy Act, 1885, is in force.

Repeal of sections 40 and 45 of Act VIII of 1885. 2. Sections 40 and 45 of the Bengal Tenancy Act, 1885, are ^{VIII of} 1885, hereby repealed.

Addition of Explanation to sub-section (3) of section 1. 3. To sub-section (3) of section 1 of the said Act, the following Explanation shall be added, namely:—

"Explanation.—The words 'the town of Calcutta' mean, (Cf. Ben. subject to the exclusion or inclusion of any local area Act III of 1899, s. 3 (7)), by notification under section 637 of the Calcutta Municipal Act, 1899, the area described in Schedule I to that of 1899. Ben. Act III of 1899.

Amendment of section 3, sub-section (5). 4. (1) In sub-section (5) of section 3 of the Bengal Tenancy Act 1885,—

- (a) after the word "money," where it occurs for the first time, and
- (b) after the words "as if it was rent,"

the words "together with interest due thereon, or damages granted in lieu of interest" shall be inserted and added, respectively.

(2) In the same sub-section after the word and figures "Chapter XII" the word and figures "Chapter XIV" shall be inserted.

Addition to section 12. 5. To section 12 of the said Act, the following shall be added, namely:—

"(4) Nothing contained in any deed of transfer to which the landlord is not a party shall be evidence against the landlord of the permanence, fixity of rent, specification of area, transferability or any incident of any tenure or holding referred to in such deed."

New sections 17A and 17B. 6. After section 17 of the said Act the following shall be inserted, namely:—

"17A. The acceptance by a landlord of the fees payable under the foregoing sections and under section 18, clause (a), shall not operate—

- (a) as an admission as to the permanence, fixity of rent, specification of area, transferability or any incident of the tenure or holding, for which such fees have been paid, or
- (b) as an express consent, under the provisions of section 88, to the division of the tenure or holding, or to the distribution of the rent thereof.

"17B. All fees now in deposit, or which may hereafter be deposited, under the foregoing sections and under section 18, clause (a), for payment to a landlord, may, unless claimed by the landlord within six months from the date of the commencement of this Act or from the date of service of the notice prescribed in sections 12, 13 and 15, whichever is later, be declared to be forfeited to the Government."

Amendment of section 19. 7. (1) Section 19 of the said Act shall be re-numbered section 19, sub-section (1).

(2) In the said sub-section (1), after the words "this Act," in both places where they occur, the words, brackets and figures "or the Bengal Tenancy (Amendment) Act, 1907," shall be inserted.

(3) After the said sub-section (1), the following shall be inserted, namely:—

"(2) The inclusion of any land in the town of Calcutta by notification under section 637 of the Calcutta Municipal Act, 1899, shall not affect any right of occupancy previously acquired in such land."

Amendment of section 22. 8. In section 22 of the said Act,—

- (a) for the words "the occupancy-right" in sub-section (1), and
- (b) for the word "it" in sub-section (2),

the words "the tenancy" shall be substituted.

Amendment of section 37. 9. In section 37 of the said Act, for the figures "40" the figures and letter "71A" shall be substituted.

Amendment of section 38, sub-section (1). 10. (1) In sub-section (1) of section 38 of the said Act, after the word and brackets " (namely)" the following shall be inserted, namely :—

" (a) on the ground that the rate of rent paid by the raiyat is above the prevailing rate paid by occupancy- raiyats for land of a similar description and with similar advantages in the same village or neighbouring villages, and that there is no sufficient reason for his holding at so high a rate, or "

and the existing clauses (a) and (b) shall be re-lettered clauses (b) and (c), respectively.

(2) To the same sub-section the following proviso shall be added, namely :—

" Provided that where the rent of an occupancy- raiyat has been fixed or settled—

- (i) by a lawful contract, or
- (ii) by a Revenue-officer acting under the provisions of Chapter X, or
- (iii) by a decree of any Court other than a decree passed *ex parte*, or on confession of judgment or on any compromise between the parties,

such raiyat shall not be entitled to institute a suit for the reduction of his rent on the ground specified in clause (a)."

Addition to section 52.

11. To section 52 of the said Act, the following shall be added, namely :—

" (6) When in a suit under this section the landlord or tenant proves that there is a custom, in the village in which the tenure or holding is situate, of settlement being made after measurement of the land assessed with rent, it may be presumed that the area of the tenure or holding specified in any patta, kabuliyat, or rent-roll relating to it has been entered in such patta, kabuliyat or rent-roll after measurement."

Amendment of section 58.

12. In section 58 of the said Act, for sub-section (3), the following shall be substituted, namely :—

" (3) If a landlord or his agent without reasonable cause, the burden of proving which shall lie on him, fails to deliver to the tenant a receipt or statement, or to prepare and retain a counterfoil or copy of a receipt or statement as required by either of the said sections, the landlord or his agent, as the case may be, may be punished on summary trial and conviction before the Collector with fine, which may amount to fifty rupees.

(4) The Collector may take cognizance of an offence under this section, either on information received from a Revenue-officer, or upon complaint of the party aggrieved, or upon the report of a Civil Court; and it shall be the duty of every Revenue and Judicial Officer to report to the Collector all such cases as may come to his knowledge.

(5) Where, in any case under sub-section (3), the Collector convicts the landlord or his agent, as the case may be, and is satisfied that the tenant has not already instituted a suit under the provisions of sub-section (1) or sub-section (2),

the Collector may, on the application of the tenant, made either orally or in writing, award to the tenant such compensation not exceeding the penalty prescribed in sub-section (1) or sub-section (2), as the case may be, as he thinks fit.

(6) A tenant to whom compensation has been awarded by the Collector under sub-section (5) shall not be entitled thereafter to institute a suit under the provisions of sub-section (1) or sub-section (2) to recover any penalty from the landlord in respect of the same matter.

(7) Where, in any case under sub-section (3), the Collector [C. I. A. 1898, s. 259] acquits the landlord or his agent, as the case may be, and is satisfied that the complaint or information of the tenant on which the proceedings were instituted is false or vexatious, the Collector may, in his discretion, by his order of acquittal, direct the tenant to pay to such landlord or agent such compensation, not exceeding fifty rupees, as the Collector thinks fit.

(8) An appeal shall lie to the Commissioner of the Division against any order of the Collector imposing a fine under sub-section (3) or awarding compensation under sub-section (7), and the orders passed by the Commissioner on such appeal shall be final and conclusive."

New section 68A.

13. After section 68 of the said Act, the following shall be inserted, namely :—

"Damages for denial of landlord's title.

"68A. (1) When, in any suit between a landlord and tenant as such, the tenant renounces his character of 1882, s. 111]. Damages for denial of landlord's title. as tenant of the landlord by setting up without reasonable and probable cause title in a third person or himself, the Court may pass a decree in favour of the landlord for such amount of damages, not exceeding ten times the amount of the annual rent payable by the tenant, as it may consider to be just.

(2) The amount of damages decreed under sub-section (1), together with any interest accruing due thereon, shall, subject to the landlord's charge for rent, be a first charge on the tenure or holding of the tenant; and the landlord may execute such decree for damages and interest, either as a decree for a sum of money, or, subject to the provisions of section 158B, in any of the modes in which a decree for rent may be executed."

Addition to section 69.

14. To section 69 of the said Act the following shall be added, namely :—

"(4) No order shall be passed on an application, under this section when, previously to such application, an application under section 121 for the distraint of the crops of a tenant has been made by the landlord and admitted by the Civil Court, and, if, after an order has been passed under this section, it appears that an application for the distraint of the tenant's crops has been made to the Civil Court before the application was made under this section, the Collector shall stay all proceedings under this section."

New section 71A.

15. After section 71 of the said Act the following shall be inserted, namely :—

"Commutation.

"71A. (1) Where a raiyat pays for a holding rent in kind, or on the estimated value of a portion of the crop, or at rates varying with the crop, or partly in one of these ways and partly in another, either such raiyat or his landlord may apply to have the rent commuted to a money-rent.

(2) The application may be made to the Collector or Sub-divisional Officer or to an officer making a survey and record-of-rights under Chapter X, or to any other officer specially authorized in this behalf by the Local Government.

(3) On the receipt of the application the officer may determine the sum to be paid as money-rent, and may order that the raiyat shall, in lieu of paying his rent in kind, or otherwise as aforesaid, pay the sum so determined.

(4) In making the determination the officer shall have regard to—

- (a) the average money-rent payable by raiyats of the same class for land of a similar description and with similar advantages in the vicinity;
- (b) the average value of the rent actually received by the landlord during the preceding ten years, or during any shorter period for which evidence may be available; and
- (c) the charges incurred by the landlord in respect of cultivation or irrigation under the rent system previously in force, and the arrangements made on commutation for continuing those charges.

(5) The order shall be in writing, shall state the grounds on which it is made, and the time from which it is to take effect, and shall be subject to appeal in like manner as if it were an order made in an ordinary revenue proceeding.

(6) If the application is opposed, the officer shall consider whether under all the circumstances of the case it is reasonable to grant it, and shall grant or refuse it accordingly. If he refuses it, he shall record in writing the reasons for the refusal."

Amendment of sec-
tion 88.

16. (1) In section 88 of the said Act, for the words "with his consent in writing," the words "with his express consent in writing, or with that of his duly authorized agent" shall be substituted.

(2) To the same section the following proviso shall be added, namely:—

"Provided that, if there is proved to have been made in a landlord's rent-roll any entry showing that the tenure or holding of any tenant has been divided, or that the rent payable in respect thereof has been distributed, such landlord may be presumed to have given his express consent in writing thereto within the meaning of this section."

Amendment of sub-
section (2) of section
101.

17. In sub-section (2) of section 101 of the said Act,—

(1) For clause (a) the following clause shall be substituted, namely:—

"(a) where—

- (i) the landlord or tenants, or
- (ii) a proportion of not less than one-fourth of the total number of landlords, or
- (iii) a proportion of landlords, the aggregate of whose interests in the lands of the local area, estate or tenure or part thereof is not less in value than one-fourth of the total value of the interests of all the landlords therein, or
- (iv) a proportion of not less than one-fourth of the total number of tenants,

applies or apply for such an order, and on his or their depositing, or giving security for such amount for the payment of expenses as the Local Government directs;".

(2) To clause (c) the following shall be added, namely:—

"or a Manager appointed by the District Judge under the provisions of section 95;".

(3) To the first *Explanation* to clause (d) the following shall be added, namely:—

"but does not render it necessary to settle the rents of tenants of every class in an estate or tenure belonging to Government, when it does not appear to the Government to be expedient to do so."

New clause (cc) in
section 102.

18. After clause (c) of section 102 of the said Act, the following clause shall be inserted, and shall be deemed to have been so inserted from the commencement of the Bengal Tenancy (Amendment) Act, 1898, namely:—

"(cc) the rights and obligations of each tenant and landlord in respect of—

- (i) the use by tenants of water for agricultural purposes, whether obtained from a river, *jhil*, tank or well or any other source of supply, and
- (ii) the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by each tenant, whether or not such appliances be situated within the boundaries of such land;".

Insertion of section 102A in Act VIII of 1885. 19. After section 102 of the Bengal Tenancy Act, 1885, VIII of 1885, the following shall be inserted, namely :—

“ 102A. The Local Government may,

Power to order survey and preparation of record-of-rights as to water. for the purpose of settling or averting disputes existing or likely to arise between landlords and tenants, or between tenants and tenants, or between landlords or tenants and riparian proprietors,

make an order directing that a survey be made, and a record-of-rights be prepared, by a Revenue-officer, in order to ascertain and record the rights and obligations of each tenant and landlord in any local area, estate or tenure or part thereof, in respect of—

- (a) the use by tenants of water for agricultural purposes, whether obtained from a river, *jhil*, tank or well or any other source of supply; and
- (b) the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by each tenant, whether or not such appliances be situated within the boundaries of such land.”

Amendment of section 103B. 20. For section 103B of the said Act the following shall be substituted, namely :—

“ 103B. (1) In any suit or other proceeding in which a record-

Presumption as to final publication and correctness of record-of-rights. Chapter, or a duly certified copy thereof, or extract therefrom, is produced, such record-of-rights shall be presumed to have been finally published, unless this is expressly denied, and a certificate signed by the Revenue officer, or by the Collector of any district in which the local area, estate or tenure or part thereof to which the record-of-rights relates, is wholly or partly situate, stating that a record-of-rights has been finally published under this Chapter, shall be conclusive evidence of such publication.

(2) The Local Government may, by notification, declare, with regard to any specified area, that a record-of-rights has been finally published for every village included in such area, and such notification shall be conclusive evidence of such publication.

(3) Every entry in a record-of-rights so published shall be evidence of the matter referred to in such entry, and shall be presumed to be correct until it is proved by evidence to be incorrect.

Amendment of heading to Part II of Chapter X. 21. In the heading to Part II of Chapter X of the said Act, for the words “*decision of disputes*” the words “*disposal of objections*” shall be substituted.

Addition to section 105 (4). 22. To sub-section (4) of section 105 of the said Act, the following shall be added, namely :—

“ and may, if the circumstances are, in his opinion, such as to make it practicable and expedient to prepare a table of rates, frame a table of rates, and settle and record all or any of the rents on the basis of such rates in the manner described in sections 104B, 104C and 104D.”

Addition to section 109A. 23. To section 109A of the said Act the following shall be added, namely :—

“ (4) A note of all rents settled and of all decisions of disputes on revision or appeal, under section 108 or section 109A, shall be made in the record-of-rights finally published under section 103A, and such note shall be considered as part of the record.”

New section 109B.

24. In Part IV of Chapter X of the said Act, immediately before section 110, the following shall be inserted, namely:—

“109B. In ascertaining and recording the rents payable, [Cf. Act XIV of 1892, s. 375.] and in deciding disputes under this Chapter, the Revenue-officer may give effect to any lawful agreement or compromise made or entered into by the landlord and tenant, and may frame the record accordingly;

but he may refuse to do so, if, for reasons to be recorded, he considers the agreement or compromise to be illegal or unfair and inequitable,

and he shall not give effect to any agreement or compromise which contravenes the provisions of section 29.”

Amendment of section 112.

25. (1) In sub-section (1) of section 112 of the said Act, the words “acting under this Chapter” shall be omitted.

(2) After sub-section (1) of the said section the following shall be inserted, namely:—

“(2) The Local Government may, with the previous sanction of the Governor General in Council, invest a Revenue-officer with power to settle or reduce rents under this section, after satisfying himself that the landlord is demanding rents which have been illegally enhanced above those entered as payable in a record-of-rights prepared under this Chapter.”;

and the existing sub-sections (2) and (3) shall be re-numbered sub-sections (3) and (4), respectively.

(3) After sub-section (4) the following shall be added, namely:—

“(5) The provisions of sections 104 to 104J (both inclusive) shall apply to a settlement of rent made under this section.”

Amendment of section 113(1).

26. In sub-section (1) of section 113 of the said Act for the word, letter and brackets “clause (a)” the word, letter and brackets “clause (b)” shall be substituted.

Amendment of section 114.

27. In section 114 of the said Act,—

(1) In sub-section (1),—

(a) the words “by the Government” shall be omitted, and

(b) for the words “from time to time in the maintenance,” the following shall be substituted, namely:—

“at any time, whether before or after the preparation of the record-of-rights, in the maintenance, repair or restoration”.

(2) After sub-section (1), the following shall be inserted, namely:—

“(2) The estimated amount of the expenses likely to be incurred for the maintenance, repair or restoration of boundary-marks for a period not exceeding fifteen years, or such part of such expenses as the Local Government may direct, may be recovered in advance in the same manner as if they had been already incurred.”;

and the present sub-section (2) shall be re-numbered sub-section (3).

(3) After sub-section (3), the following shall be added, namely:—

“(4) The cost of the preparation of copies of the survey maps and record-of-rights, prepared under this Chapter for distribution to landlords and tenants, shall be deemed to be part of the expenses incurred in carrying out the provisions of this Chapter.”

Addition to heading to Chapter XI. 28. To the heading to Chapter XI of the said Act the following words shall be prefixed, namely:—

“NON-ACCUMULATION OF OCCUPANCY AND NON-OCCUPANCY RIGHTS,
AND”

Amendment of section 116. 29. In section 116 of the said Act, after the words “shall apply to” the following shall be inserted, namely:—

“lands acquired under the Land Acquisition Act, 1894, I of 1894, for the Government or for any local body or for a Railway Company, or lands belonging to the Government within a cantonment under the Cantonments Act, 1889, while such lands remain XIII of 1889, the property of the Government, or of such local body or Railway Company, or to”.

New sections 147A and 147B. 30. After section 147 of the Bengal Tenancy Act, 1885, the VIII of 1885, following shall be inserted, namely:—

“147A. (1) The provisions of section 375 of the Code of Civil Procedure shall not apply to Compromise of suits between landlord and any suit between landlord and tenant as such.

(2) Where any suit between landlord and tenant as such is adjusted wholly or in part by any lawful agreement or compromise, or if the defendant satisfies the plaintiff in respect to the whole or any part of the matter of the suit, the Court may pass a decree in accordance with such agreement, compromise or satisfaction, so far as it relates to the suit; [Cf. Act XIV of 1882, s. 375.]

but may refuse to do so if, for reasons to be recorded, it considers such agreement, compromise or satisfaction to be illegal or unfair and inequitable.

(3) No decree shall be passed in accordance with any agreement or compromise which contravenes the provisions of section 29.

(4) A decree passed in accordance with any lawful agreement, compromise or satisfaction shall be final so far as it relates to so much of the subject-matter of the suit as is dealt with by such agreement, compromise or satisfaction.

“147B. In all areas in which a record-of-rights has been prepared and finally published under sub-section (2) of section 103A, a Civil Court shall, in all suits between landlord and tenant as such, have regard to the entries in such record-of-rights referring to the land in dispute which may be produced before it, unless such entries have been proved by evidence to be incorrect, and, when a Civil Court passes a decree at variance with such entries, it shall record its reasons for so doing.”

New clause (bb) in section 148. 31. (1) In section 148 of the said Act, after clause (b), the following shall be inserted, namely:—

“(bb) where the suit is for the rent of land situated within an area in which a record-of-rights has

been prepared and published, the plaint shall, unless the Court is satisfied that the plaintiff was prevented by any sufficient cause from furnishing such statement, further contain a statement of the rental of the tenancy according to the record-of-rights:

Provided that, if the Court sees fit at any time to require it, a verified or certified copy of, or extract from, the record-of-rights relating to the tenancy shall be produced by the plaintiff, or shall, if necessary, on the requisition of the Court, be supplied by the Collector without payment of fee:”.

(2) After clause (f) of the same section, the following shall be inserted, namely:—

“(f) where any account-books, rent-rolls, or collection or measurement papers have been produced by a landlord in any Court in a suit pending therein, copies of, or extracts from, such documents, which have been certified by a duly authorized officer of such Court to be true copies or extracts, may be admitted in evidence in proof of the originals in any other suit instituted in the same or another Court, unless the Court in which such copies or extracts are produced sees fit to require the production of the originals:”.

Amendment of
section 153.

32. (1) Section 153 of the said Act shall be re-numbered section 153, sub-section (1).

(2) To section 153 the following shall be added, namely:—

“(2) Where, in a suit instituted by a landlord for the recovery of rent, no appeal lies under this section, no appeal shall lie from any order passed in execution of the decree in such suit.”

New section 158A.

33. After section 158 of the said Act the following shall be inserted, namely:—

“Summary Procedure for the Recovery of Rents under the
Public Demands Recovery Act, 1895.

Ben. Act I
of 1895.

“158A. (1) Any landlord whose land is situate in an area [C.Y. Bom. Act Recovery of arrears by in which a record-of-rights has been V of 1879, ss. application of procedure pre-
scribed in the Public Demands Recovery Act, 1895, in certain areas. prepared and published, and in which such record is periodically revised,

may apply to the Local Government, through the Collector of the district in which his land is situate, for the application of the procedure prescribed by the Public Demands Recovery Act, 1895 [as amended by the Bengal Public Demands Recovery of 1895, (Amendment) Act, 1897], to the recovery of the arrears of rent [Bengal Public Demands Recovery of 1895, (Amendment) Act, 1897], which he alleges are due to him for lands in such area.

(2) The Local Government may refuse to allow the landlord's application, or may allow it subject to such terms and conditions as it may see fit to impose, and may at any time add to or vary those terms and conditions, or withdraw its allowance of the application, without, in any of these cases, assigning any reason for its action.

(3) When any such application has been allowed, such Revenue Officer as may be appointed for the purpose may,

after inquiry and after inspection of the landlord's rent-rolls, accounts and collection papers, in accordance with such rules as the Local Government may prescribe in this behalf under this Act,

issue certificates for the recovery of the arrears alleged to be due in the Form prescribed therefor, and any such certificate shall, as regards the remedies for enforcing the same and so far only, have the force and effect of a decree of a Civil Court.

(4) The following provisions of the Public Demands Recovery Act, 1895 [as amended by the Bengal Public Demands Recovery (Amendment) Act, 1897] shall, so far as they are applicable, apply to all certificates for the recovery of rent issued under sub-section (3), namely :—

‘the proviso to sub-section (1) of section 7, and sections 10 to 17 (both inclusive), 19 to 22 (both inclusive), 23, 25, 26, and 29 to 33 (both inclusive).’

(5) No landlord shall institute a suit in a Civil Court for the recovery of any arrears of rent in respect of which he has applied for the issue of a certificate;

and no tenant, after the issue of any certificate against him, shall institute a suit in, or apply to, a Civil Court for the alteration of the rent payable by him, or the determination of his status as a tenant, in respect of the period during which the arrears of rent for which such certificate has been issued against him has accrued.”

New section 158B. 34. In Chapter XIV of the Bengal Tenancy Act, 1885, §VIII of 1885. immediately before section 159, the following shall be inserted, namely :—

“158 B. (1) Where a tenure or holding is sold in execution of a decree for arrears due in respect of a tenure or holding sold in execution of decree, or of a decree for damages under section 68A, the tenure or holding shall pass to the purchaser, provided that the decree in execution of which it has been sold has been obtained by—

- (a) a sole landlord; or
- (b) the entire body of landlords; or
- (c) one or more co-sharer landlords, who has, or have, sued for the rent due to all the co-sharers in respect of the whole tenure or holding and made all the remaining co-sharers parties defendant to the suit.

(2) On one or more co-sharer landlords, who has, or have, sued for the rent due to all the co-sharers in respect of the whole tenure or holding and made the remaining co-sharers parties defendant to the suit, applying for the execution of the decree by the sale of the tenure or holding, the Court shall, before proceeding to sell the tenure or holding, give notice to the other co-sharers.”

Amendment of sub-section (1) of section 169 and addition of proviso. 35. (1) In clause (c) of sub-section (1) of section 169 of the said Act, after the words “the date of” the words “the confirmation of” shall be inserted.

(2) To the said sub-section the following proviso shall be added, namely :—

“Provided that, where a tenure or holding has been sold in execution of a decree obtained by one or more co-sharer landlords, who has, or have, sued for rent due to all the co-sharers in respect of the whole tenure or holding and made all the remaining co-sharers parties defendant to the suit,—

- (i) payment of the amount due under such decree shall, notwithstanding anything contained in clause (b), be made to the decree-holder and to the other co-sharer landlords in proportion to the amount found due to each, and,

(ii) if there remains a balance, payment of any rent which may have fallen due in respect of the tenure or holding between the institution of the suit and the date of the confirmation of the sale shall, notwithstanding anything contained in clause (c), but subject to the determination, in the manner and with the effect mentioned in sub-section (2), of any dispute as to their respective rights to receive such rent, be made to the said decree-holder and the other co-sharer landlords in proportion to their respective shares in the tenure or holding;" .

Amendment
section 170.

36. In section 170 of the said Act, after the words and brackets "(both inclusive)," the word, figures and letter "and 310A" shall be inserted.

Amendment
section 174.

37. To the proviso to sub-section (2) of section 174 of the said Act, the following shall be added, namely:—

"and if he applies under this section, he shall not be entitled to make an application under section 311 of the Code of Civil Procedure."

XIV of 1882.

Amendment of sub-
section (3) of section
178.

38. (1) In clause (g) of sub-section (3) of section 178 of the Bengal Tenancy Act, 1885, for the figures "40" the figures VIII of 1885. and letter "71A" shall be substituted.

(2) In proviso (iii) to the same sub-section, after the words "cultivation of" the words "horticultural or" shall be inserted.

New section 183A.

39. After section 188 of the said Act the following shall be inserted, namely:—

"188A. (1) Notwithstanding anything contained in this Act, every suit instituted by one or more joint landlords, whose share of the rent of a tenure or holding is collected separately, for the recovery of the arrears of such share, shall be subject to the provisions of sections 143 to 153 (both inclusive), 168, 169, 184 and 185.

(2) A decree obtained in any such suit may, subject to the provisions of section 158B, be executed in the manner prescribed in the Code of Civil Procedure for the execution of a decree directing a party to pay money, and no other provision of Chapter XIV of this Act shall apply to any such decree."

XIV of 1882.

New clauses (2) and
(3) in section 189.

40. For sub-section (2) of section 189 of the Bengal Tenancy Act, 1885, the following shall be substituted, namely:—

"(2) to prescribe forms and the mode of service of notices under this Act where no form or mode is prescribed by this or any other Act;

(3) to prescribe the authority by which the fees deposited under sections 12, 13, 15, 17 and 18, clause (a), may be declared to be forfeited, and the mode in which such fees when so forfeited shall be dealt with."

Amendment of sec-
tion 191.

41. In section 191 of the said Act, for the words "has never been" the words "is not" shall be substituted.

Amendment of sec-
tion 192.

42. In section 192 of the said Act, before the words "fix a fair and equitable rent" the words "or of his own motion" shall be inserted.

Amendment
Schedule III.

43. In Schedule III to the said Act,—

(1) After Article 1 the following shall be inserted, namely:—

1(a) To eject a non-occupancy raiyat on the ground of the expiration of the term of his lease.	Six months	... The expiration of the term.
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(2) In Article 3, for the words "an occupancy raiyat" the words "a raiyat or an under-raiyat" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are—

- (1) while, on the one hand, giving landlords greater facilities for the collection of their rents yet, on the other, to discourage their evading the provisions of the Bengal Tenancy Act, 1885, with regard to the enhancement of rent by entering into unfair, inequitable and collusive compromises with their tenants;
- (2) to give greater authority to the record-of-rights, when such record has been duly prepared and published;
- (3) to give power to Government to distinguish between good and bad landlords, and to take steps in the case of the latter for the reduction of rents, when they appear to have been so unduly enhanced as to be oppressive to the cultivators of the soil, and
- (4) to revise the Bengal Tenancy Act, 1885, to the extent of removing such defects in it as the working of the Act during the past twenty years has brought to light, and such ambiguities and anomalies as have given rise to conflict of opinion and judicial decision.

An explanation of the provisions of the Bill is given in the subjoined *Notes on Clauses*.

NOTES ON CLAUSES.

Clause 2.—Section 40, though repealed, is reproduced in an amended form as section 71A. Experience has shown that the necessity to serve a notice to quit on a non-occupancy raiyat holding under a lease is often overlooked by the landlord, and that, even when served, the landlord has no means of proving service. It is therefore proposed to dispense with the notice by repeal of section 45, at the same time transferring the provision as to limitation for a suit for ejectment of a non-occupancy raiyat to Schedule III of the Act.

Clause 3.—In the ruling of the High Court, reported in I. L. R., 27 Calc., 202, it has been held that occupancy rights may accrue in those areas which have been included within the Town of Calcutta, subsequent to the passing of the Bengal Tenancy Act, 1885. It is undesirable that the Act should have any application to the Town of Calcutta, as it is now constituted, or as it may hereafter be constituted under any future extension or modification of its boundaries. The proposed Explanation to section 1 (3) of the Act will remove any doubts on the subject. The amendment projected in clause 7 of the Bill will prevent rights of occupancy already acquired, or acquired prior to a future extension of the Act, being affected.

Clause 4.—The object of this clause is so to widen the definition of rent as to make it clear that rent includes interest on arrears and cesses. Tenures and holdings can, under the existing law, only be sold free of incumbrances for arrears of rent, and, under the present definition and the High Court's ruling in *Kailash Chandra Dey versus Tarak Nath Mandal* (I. L. R., 25 Cal., 571), interest is not rent. It is apprehended that this ruling may give rise to difficulties in practice. A landlord's claim in a rent-suit almost invariably includes cesses and interest on arrears. It is to the interest of landlords and tenants alike that the law regarding the recovery of arrears of rent should be as simple as possible, and that rent, interest and cesses, lawfully due, should be recoverable by a single proceeding.

Clauses 5 and 6.—The working of sections 12 to 17 of the present Act, relating to the transfer of permanent tenures, is not satisfactory. They induce tenants to register transfers of tenures which are not really permanent, in the hope that the acceptance of the fee by the landlord will operate as an admission of the permanence and transferability of the tenure. The landlords, on the other hand, are reluctant to accept the fees, and the result is that a very large amount of unclaimed fees has accumulated in different districts in the province. This state of things is not only a source of embarrassment to Government, but also creates doubts and difficulties in regard to the position of the transferees of tenures. It is hoped that the amendments now proposed will overcome the reluctance of landlords to accept the fees in the case of tenures which are really permanent, and that tenants will be deterred thereby from registering transfers of tenures which are not of this character.

The same considerations apply to the transfer of, and succession to, holdings at fixed rents or rates of rent, and under section 18 (a) of the Act, these are governed by the same conditions. Clauses 5 and 6 have been so framed as to make the proposed amendments applicable to the case of holdings at fixed rents or rates of rent.

There is no provision in the Act for the disposal of unclaimed fees. As these have accumulated, and in order to expedite claims to fees due, thus freeing the district establishments from much extra work, it is proposed that the Government should have power to deal with them in such manner as it thinks fit.

Clause 7.—The necessity for the amendment of section 19 is explained in the note to clause 3, *supra*.

Clause 8.—The object of this amendment of section 22 is to counteract the ruling of the High Court in *Zuwadul Huq's case* (I. L. R., 24 Cal., 143) and the Full Bench ruling in

Ram Mohan Pal *versus* Sheikh Kachu (I. L. R., 32 Cal., 386). These decisions lay down a rule opposed to the policy of the authors of Act VIII of 1885, which was to discourage the acquisition of occupancy holdings by landlords.

Clause 9.—This clause is consequential upon clauses 2 and 15.

Clause 10.—It seems fair that an occupancy raiyat should be allowed to apply for reduction of rent on the ground that his rent is above the prevailing rates. The proposed addition to section 38 will enable him to do so. It is inadvisable, however, that raiyats should be allowed to institute suits on such a ground, in cases where their rents have been fixed or settled by a Revenue-officer under Chapter X of the Act, or by a lawful contract or a decree of Court. The proviso has been framed for this purpose.

Clause 11.—The law, as it stands at present, contains no provision for the proof of excess area, otherwise than by evidence of its specific existence in each case, and the decisions of the Courts have not always been in accordance with the intentions of the framers of the Amendment Act of 1898, who, by adding sub-section (5) to section 52, by implication suggested that excess area may be assessed to rent, even if the landlord is unable to indicate any particular land as held in excess. The proposed modification of section 52 will allow the custom of settlement on measurement to be taken as a presumption that the area of a tenure or holding mentioned in the landlord's papers has been ascertained by actual measurement, and thus make it easier for the landlords to prove the existence of excess area.

Clause 12.—The provisions of the Tenancy Act regarding the issue of proper rent receipts by landlords are very generally disregarded in certain parts of the Province. It is considered necessary to take more active measures to enforce them. At present the provisions of section 58 can only be set in motion on the complaint of the tenant and are practically inoperative. It is proposed, therefore, to give the Collector power to take action on reports received from Revenue or Judicial officers, who will be required to bring to the Collector's notice any breaches of the law which come to their knowledge. The power to require payment of compensation to the landlord will, it is hoped, to a large extent debar the bringing of false and vexatious complaints. In cases where the complaint is substantiated, the Collector should be empowered to award compensation to the tenant on the same scale as is provided in section 58 (1) and (2), and where compensation is so awarded by the Collector, the tenant should not be allowed to sue the landlord in the Civil Court for any penalty. It is inadvisable that tenants should be able to obtain damages in two different Courts; the amendments proposed will be sufficient to safeguard their rights and to secure obedience to the law.

Clause 13.—One of the main objects of the Bill is to give landlords greater facilities for collecting their rents. It is to a great extent owing to *malā fide* denials of the landlord's title that ordinary rent suits have in so many cases become complicated and protracted title suits. The proposed new section 68A will, it is hoped, be very effectual in preventing tenants from attempting to evade payment by the setting up of false titles, while at the same time protecting those who may have acted *bona fide*.

Clause 14.—The proposed addition to section 69 will prevent the powers of distraint at present enjoyed by landlords being rendered ineffectual. It is a common device of the tenants, as soon as the landlord applies to the Civil Court for distraint of their crops, to apply to the Collector for orders of appraisal under section 69. The Collector then prohibits the removal of the crops; so the landlords cannot prosecute their applications to distrain. The new sub-section is intended to defeat such devices.

Clause 15.—This clause transfers the provisions regarding the commutation of produce rents to a more appropriate place in the Act, and reproduces the present section 40 with certain modifications. Under section 40, only occupancy raiyats are allowed to apply for commutation. It seems reasonable that the same privilege should be conferred on all classes of raiyats. Under section 40 (2) the application may be made "to an officer making a settlement of rents under Chapter X." This phrase has given rise to difficulties in practice, as where a settlement of land revenue is not being or is not about to be made, settlement of rents does not take place until after final publication. It is therefore proposed to modify the sub-section with the object of allowing applications for commutation to be filed before any officer making a survey and record-of rights under Chapter X.

Clause 16.—The ruling reported in I. L. R. 25 Calc., 531, has given rise to doubts as to the circumstances, in which consent to the division of a tenure or holding, or distribution of the rent payable in respect thereof, may be inferred from the conduct of the landlord. The amendment will make it clear that the landlord is only bound by an express consent in writing given by himself or a duly authorised agent. The ordinary practice, however, is for the landlord to signify his consent to the division of a tenure or holding and distribution of the rent payable, by making the necessary alteration in his rent-roll, and it is accordingly provided that where such an alteration has been made, it may be presumed that the landlord has given his express consent to the division.

Clause 17.—The words "a large proportion of the landlords or of the tenants" in section 101 (2) (a) are vague and have given rise to differences of interpretation. It is desirable that the proportion of landlords or tenants, who may apply for a survey and record-of rights, should be more clearly defined; one-fourth has been adopted as a reasonable proportion. It is always open to the Government to grant or refuse such an application if it should think fit, and the Government has also the full discretion in regard to the apportionment of the costs of the operations under section 114. In the case of co-sharer landlords, either a fourth of the

total number, or a co-sharer or co-sharers representing a fourth of the total interests, should be permitted to apply. There is sometimes difficulty in getting co-sharers to join in such applications, and it is thought equitable that a considerable minority, such as one-fourth should be permitted to submit an application for the consideration of the Government.

The addition to section 101 (2) (c) made by the clause will enable a survey and record-of-rights to be made in the case of an estate placed under a Manager appointed by the District Judge under section 95. The proper management of such estates will often be greatly facilitated by survey and the preparation of a record-of-rights. It seems reasonable that they should be placed on the same footing as estates taken over by the Court of Wards.

It has been held that *Explanation 1* to section 101 (2) (d), read with section 104 (a), renders it necessary to settle fair and equitable rents for tenants of every class, whenever a survey and record-of-rights is made in respect of a Government estate or tenure. This course is ordinarily adopted, but it is sometimes found inconvenient. The addition to the explanation therefore provides that it shall not be necessary to settle the rents of tenants of every class in a Government estate or tenure, when it does not appear to the Government to be expedient to do so.

Clause 18.—It has been the practice in most surveys and records-of-rights made within recent years to include among the particulars entered in the record-of-rights, a record of the rights and obligations of landlords and tenants with regard to the use of water for agricultural purposes. Conflicting opinions have been given by the legal advisers of the Government, as to whether such a record can be made under the present section 102. Such records have been found useful in areas in which irrigation is a matter of importance; this clause, therefore, is intended to authorize the making of such records in future, and also to place beyond doubt the validity of those which have already been made.

Clause 19.—The object of this clause is to give the Local Government power to make a record of the rights and obligations of landlord and tenant in regard to the use of water for agricultural purposes, independently of a general record-of-rights under section 101, when such a course appears necessary for the purpose of settling or averting disputes.

Clause 20.—This clause modifies the present section 103B, with the object of defining more clearly the weight to be attached to the entries in a finally published record-of-rights and to facilitate the proof of final publication. At present, difficulties are sometimes raised in the Appellate Courts owing to the certificate of final publication not having been produced in the Original Court, because the due publication of the record was not disputed there. There may also be difficulty in furnishing the necessary certificate, if it is called for, after the settlement operations have been concluded and the Revenue Officer has left the district. It is therefore proposed that the record-of-rights shall be presumed to have been finally published, unless this is expressly denied, and that a certificate signed by the Revenue Officer or by the Collector of the district, stating that the record-of-rights has been finally published, shall be conclusive evidence of such publication. It is also proposed to make the provisions of the section applicable to all suits and proceedings in which the record-of-rights may be produced.

Sub-section (2) of the proposed new section 103B, will obviate the necessity of producing a certificate regarding the final publication in every case in which there is a dispute.

Clause 21.—The amendment cures a defect in the wording of the heading of the Part, which does not deal with the decision of disputes.

Clause 22.—In settling rents under section 105 the existing rent, which, under section 105(4), is presumed to be fair and equitable, should be taken as the starting point; but frequently, owing to disputes between landlord and tenant, it is impossible to ascertain the existing rent. It is therefore desirable that a Settlement Officer acting under section 105 should have authority to fix rents in accordance with a table of rates, such as may be used in proceedings under section 104A, in cases where such a course is practicable and expedient.

Clause 23.—This clause is intended to rectify what was apparently an oversight in the Amendment Act of 1898. Under section 107 (2), the Revenue Officer is required to make in the record-of-rights a note of all rents settled under section 105 and of all decisions of disputes under section 106, and this note is declared to be a part of the record. There is no corresponding provision as to the entry of orders passed regarding such rents or disputes, on revision under section 108, or on appeal under section 109A. It is clearly advisable that a note of such revisional or appellate orders should be made in the record, in order to make the record complete. The clause provides for this being done. As appeals are frequently not decided till after the Settlement Officer has left the district, the proposed section abstains from prescribing by what officer the note of the revisional or appellate decision shall be made. The Government or the Board of Revenue will have power to prescribe this by rules made under the Act or by executive order.

Clause 24.—The object of this clause is to empower Revenue Officers making a record-of-rights under Chapter X to refrain from giving effect to illegal and inequitable compromises, and to make it obligatory on them to disregard compromises regarding the enhancement of rents by contract between landlord and tenant, if they contravene the provisions of section 29 of the Act. A large number of illegal and inequitable compromises regarding rent, status and other matters have been filed in the course of the settlement operations now being carried on throughout the Province, and Government has declared that it cannot consent to Revenue Officers being compelled to give effect to them in framing the record-of-rights. The necessity for adopting some such provision has been forced upon the Government by the action of certain zamindars.

Clause 25.—This clause is intended to give effect to one of the main objects of the Bill, viz., to enable Government to take steps to reduce rents, in cases where these have been illegally enhanced, so as to be oppressive to the cultivators of the soil. It is possible that the Government has power to take such action under section 112, as it stands at present, but that section was incorporated in the Tenancy Act under a guarantee that it would be used only in cases of agrarian disturbance. Experience has shown, however, that certain landlords have been able to force illegal and oppressive rents on their tenantry, without creating any immediate agrarian disturbance. In such cases the Government proposes in future, to take action to reduce the excessive rents before any actual disturbance arises.

Clause 26.—This clause is consequential upon the amendment proposed in sub-section (1) of section 38.

Clause 27.—When a survey and record-of-rights are undertaken on the application of landlords and tenants, the costs are usually met in the first instance from deposits made by the applicants, and not from Government funds. In such cases, it is often equitable to recover a share of the expenses from the other landlords and tenants concerned, who also benefit by the preparation of the record-of-rights. The proposed omission will make clear the legality of this course.

In the course of survey and settlement operations, permanent boundary marks are erected at all points where the boundaries of three villages meet. Arrangements are made for the repair and restoration of these marks from time to time as may be necessary, after the completion of the original survey proceedings. Such marks, if properly maintained, are of great utility in preventing boundary disputes from arising, and are, in fact, a valuable adjunct to the record-of-rights. It is therefore proposed to take power to recover in advance the estimated cost of the maintenance, repair and restoration of these boundary marks for a period of fifteen years together with the cost of the preparation of the record-of-rights. The cost of maintaining the boundary marks for fifteen years will be an insignificant addition to the cost of the preparation of the record-of-rights, and it will be more convenient both to the Government and to the landlords and tenants to collect both sums simultaneously, than to have a separate proceeding for the recovery of the cost of maintenance of boundary marks. The period of fifteen years has been fixed, because this is the time for which the rents of tenures and occupancy holdings settled under Chapter X have effect under section 113.

After the preparation of a record-of-rights, it is usual to distribute copies of it, together with copies of the village maps to the landlords and tenants. No proceedings under Chapter X can be considered complete without this. In order to remove all doubt, it is proposed to provide that the cost of the preparation of these copies shall be deemed to be part of the expenses incurred in carrying out the provisions of the Chapter.

Clauses 28 and 29.—These clauses are intended to bar the accrual of occupancy and non-occupancy rights in lands acquired under the Land Acquisition Act, 1894, and the Cantonments Act, 1889, so long as they are the property of the Government or the local body or Railway Company for which they were acquired. It often happens that such lands are temporarily not required by the Government or the local body or Railway Company, but under the present law, if they are temporarily sublet to agricultural tenants, occupancy and non-occupancy rights accrue, and these have to be reacquired on payment of compensation, when the lands are again required for public purposes. This consideration often deters the Government, local bodies and Railway Companies from temporarily subletting such lands, where this course might be followed with advantage. In either case, whether the lands are temporarily sublet (the occupancy and non-occupancy rights being subsequently reacquired, when the land is again required for public purposes), or whether the lands are allowed to remain unlet from fear of this contingency, an unnecessary waste of public money occurs, and it is justifiable on this account to apply these special provisions to such lands.

Clause 30.—The proposed section 147A is intended to give to Civil Courts the same power to disregard illegal and inequitable compromises regarding rent and other matters in suits between landlord and tenant as such, as it is proposed to confer by clause 24 upon Revenue officers engaged in the preparation of the record-of-rights. Section 375 of the Code of Civil Procedure governs compromises filed in suits under the present law, and there is reason to believe that decrees have been passed giving effect to compromises containing illegal and inequitable provisions, and in particular that the provisions of section 29 regarding the limits of enhancement of rent by contract between landlord and tenant have frequently been nullified in this way. The addition to the law, which is now proposed, will enable the Civil Courts to refrain from giving effect to any compromise which is illegal, unfair or inequitable, and will make it obligatory on the Courts to refuse to give effect to any compromise which contravenes the provisions of section 29.

The proposed section 147B is intended to define more clearly the force to be attached to entries in the record-of-rights in proceedings and suits between landlord and tenant as such. Under the present Act, (section 103B), such entries are presumed to be correct until the contrary is proved. But cases have occurred which indicate that it is doubtful whether the Courts pay sufficient attention to this presumption. It is proposed therefore to provide that the Courts shall have regard to the entries in the record-of-rights, unless such entries have been proved by evidence to be incorrect, and that when a Court passes a decree at variance with such entries, it shall record its reasons for so doing.

Clause 31.—A large proportion of suits for arrears of rent are decided *ex parte* owing to the absence of the defendant raiyat. It is believed that in such cases it is the practice

of the Civil Courts to pass a decree in accordance with the landlord's claim, without any reference to the entry in the record-of-rights of the rent payable. It is generally recognised that it is desirable that the Court should have regard to the entry of rent in the record-of-rights in all suits for arrears of rent. Various expedients have been suggested for giving effect to this. It is intended to require the landlord to include in the plaint a statement of the rental of the tenancy according to the record-of-rights, and to give the Court power, when it thinks necessary, to procure from the Collector's office a verified or certified copy of, or extract from, the record-of-rights relating to the tenancy, without payment of any fee. This will save landlords the trouble and expense of procuring certified copies for themselves.

Much inconvenience is caused to landlords, owing to their original rent-rolls, collection and measurement papers and account books having to be simultaneously filed in Court in different suits for the recovery of arrears of rent. The new clause (ff) provides that, when the originals have been once produced in Court in any suit, the landlord may be permitted to file certified copies or extracts in subsequent suits.

Clause 32.—The ruling reported in I. L. R., 32 Calc., 957, lays down that there may be a second appeal in an execution proceeding in a suit for the recovery of rent, even when there is no such right of appeal in the original suit. It is undesirable that execution proceedings should be protracted in this way, and the object of the clause is to limit the right of appeal in an execution proceeding to that provided for the original suit.

Clause 33.—The provision of a summary procedure for the recovery of rents has for many years been urged upon the Government by landholders. The delay and expense caused by the present system are admitted, but hitherto no scheme, which has been put forward, has commended itself. The fact that records-of-rights have now been prepared for large areas in the province justifies a reconsideration of the matter. Where a record-of-rights has been prepared and is periodically revised or maintained, the annual demand due from each individual raiyat is accurately known. The only question at issue in a rent suit will be the amount due from the raiyat for the period for which rent is claimed in the suit. If the landlord's accounts and collection papers are properly maintained, and if proper rent-receipts in foil and counterfoil are habitually kept and given as required by law, this will, in the great majority of cases, be an easy matter to determine. It is therefore proposed that in areas in which a record-of-rights has been prepared and published and is periodically revised, the Local Government should take power to allow the recovery of arrears of rent by the application of the procedure prescribed by the Public Demands Recovery Act, 1895, in the case of those landlords to whom, in the opinion of the Government, this privilege may safely be conceded. It is further proposed that the issue of certificates should be entrusted to a Revenue Officer, who shall have power to inspect the landlord's rent-rolls, accounts and collection papers, and to compare the receipts given to the raiyats with the counterparts kept by the zamindar, and to test their agreement with entries in the accounts. The conditions under which the summary procedure may be applied will thus resemble those under which it is extended to Government estates and estates under the Court of Wards, for the demand of each individual raiyat will be accurately known and the landlord's accounts and collection papers will be subject to inspection by a Government officer. If it is possible, with safety, to reduce the expense of rent suits, the results will be beneficial to landlords and tenants alike, and it is expedient, therefore, that a trial should be given to the scheme provided for in the clause subject to the safeguards laid down in sub-section (2) of the projected new section 158 A.

Clause 34.—Under the present law, considerable difficulty in realizing rents is often experienced by co-sharer landlords, who make rent collections jointly. A decree for arrears of rent, obtained by a co-sharer for the amount due to him alone, is a mere money decree (8 C. W. N., 472) and the tenure or holding, in respect of which the arrears are due, does not pass to the purchaser in a sale for the execution of such a decree (I. L. R., 29 Calc., 219) unless he can get himself recognised by the other co-sharers. Decrees for arrears of rent obtained by single co-sharers, are therefore often of little value, and the system is further objectionable, in that it exposes the tenant to the trouble of several successive suits brought by different co-sharer landlords. Considering that the majority of estates in the province are held by co-sharer landlords, it seems necessary to provide a remedy for the present state of things. As it is often impossible to get all the landlords to join in a suit for arrears of rent, a single co-sharer should be empowered to sue for the rent due to all the co-sharers, and that the tenure or holding should pass in execution of a decree obtained in such a suit, provided that the other co-sharers have been made parties.

Clause 35.—As the law now stands, the decree-holder is, under section 169 of the Bengal Tenancy Act, entitled to the rent up to the date of the sale, while, under section 316 of the Civil Procedure Code, the title does not vest in the purchaser until the date of the confirmation of the sale. The proposed amendment will bring the sections into conformity.

The proviso is necessary for the carrying out of the object of the preceding clause. Each co-sharer will get his share of the proceeds of the sale in proportion to his interest and the amount of rent due to him.

Clause 36.—It has been held by the High Court that the provisions of section 310A of the Code of Civil Procedure apply to sales in execution of rent decrees. This enables persons other than the judgment-debtor to apply to have such sales set aside. It is undesirable that proceedings between landlord and tenant, relating to the recovery of rent, should be protract-

ed by the intervention of third parties, and it is accordingly proposed that section 310A of the Code of Civil Procedure shall not apply to a tenure or holding attached in execution of a decree of arrears of rent.

Clause 37.—Under section 174, as at present framed, there is nothing to prevent a tenant from applying to have a sale set aside, by paying the decadal amount, and subsequently claiming, under section 311 of the Code of Civil Procedure, that the sale was invalid. It is clearly inequitable that the tenant should be allowed to have recourse to a double procedure in applying to have a sale set aside, and the proposed addition to section 174 will prevent this.

Clause 38.—The proposed amendment in clause (g) of section 178 is merely consequential upon clauses 2 and 15 of the Bill. It seems reasonable that proviso (iii) to section 178 should be extended to horticultural land, temporarily let out for the cultivation of ordinary crops. If a tenant is given a temporary lease of such lands, he should not be allowed to retain them after the expiry of the lease, on the plea that occupancy rights have accrued.

Clause 39.—The object of this clause is to counteract the effect of several rulings of the High Court, two of which are cited above in the note on clause 34, as to the nature of suits brought by co-sharer landlords for arrears of rent and as to the effect of decrees obtained in such suits. Their result is that—

- (1) suits in which co-sharer landlords sue for rent are not rent suits, but money suits;
- (2) the provisions of section 148 do not apply to them;
- (3) evidence in such suits cannot be recorded summarily;
- (4) a second appeal lies in them, while an appeal is barred in the case of a decree obtained by a sole landlord;
- (5) co-sharer landlords cannot sue for four years' rent as sole landlords can, under article 2 (b), Schedule III of the Act, and
- (6) decrees obtained in suits by co-sharer landlords can be executed within twelve years, instead of within three, as in the case of ordinary rent decrees.

Such results are anomalous and inconvenient, and the clause, the introduction of which has been recommended by the High Court, will have the effect of removing them.

Clause 40.—The object of this clause is to rectify an omission in the present Act, by giving the Government power to prescribe forms for use under the Act. It will also enable the Government to frame rules for dealing with forfeited fees.

Clause 41.—The object of this clause is to extend the provisions of section 191 to estates, which though originally permanently settled, have fallen into the hands of Government by escheat or otherwise, and have been let out on a temporary settlement. It has been held that such estates are excluded from the provisions of the section, as at present worded.

Clause 42.—This clause is intended to enable the Revenue Officer, in cases where a settlement of land revenue is being made, to fix a fair and equitable rent of his own motion for all lands, in respect of which the settlement of land revenue is being made. It sometimes happens that temporary settlement-holders, in the course of a settlement, fraudulently create fictitious rent-free holdings or holdings at low rates of rent, with the object of reducing the value of the estate and getting the revenue lowered. The revenue demand is fixed on a fair valuation of the lands of the estate, but unless fair and equitable rents are fixed, the settlement-holder may be unable to meet the demand, and the Government revenue may be endangered. It is considered necessary, therefore, that the Revenue Officer should have power to settle fair and equitable rents of his own motion, in cases where the settlement-holder has collusively lowered the rental demand, with the object of preventing a new settlement being made on a fair revenue.

Clause 43.—This clause gives effect to the provisions of clause 2, so far as they amend section 45, and removes the anomaly now existing (see I. L. R., 17 Calc., 930) as regards limitation between suits brought by an occupancy and a non-occupancy raiyat to recover possession of land from which they have been dispossessed by, or with the connivance of, their landlords. At present the former has two, and the latter twelve years within which to bring such a suit. It is proposed that the limit of two years should apply to both.

There is no reason why the period of limitation for the recovery of possession of land by an under-raiyat should not be the same as that provided in article 3 in the case of a raiyat, *viz.*, two years from the date of dispossession. At present the period of limitation in the case of an under-raiyat is twelve years. The amendment proposed will place both raiyats and under-raiyats on the same footing.

R. W. CARLYLE.

The 15th September, 1906.

CALCUTTA; }
The 23rd October, 1906. }

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, NOVEMBER 14, 1906.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

The 13th November, 1906.—The following Bills were introduced in the Council of the Lieutenant-Governor of Bengal on the 10th November, 1906, and are hereby published for information, together with the Statements of Objects and Reasons and Notes on Clauses.

[THE BENGAL TENANCY (AMENDMENT) BILL, 1906.]

A

BILL

to amend and supplement the Bengal Tenancy Act, 1885.

Whereas it is expedient to amend the Bengal Tenancy Act, ^{VIII of} _{1885.} in the manner hereinafter appearing;

And whereas the previous sanction of the Governor General has been obtained under section 5 of the Indian Councils Act, ^{55 & 56,} _{Vict., a. 14,} 1892, to the passing of this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Tenancy (Amend-
Short title and ex-
tent. _{ment) Act, 1907.}

The Bengal Tenancy (Amendment) Bill, 1906.

(Clauses 2-7.)

(2) It shall extend to all the territories for the time being under the administration of the Lieutenant-Governor of Bengal in which the Bengal Tenancy Act, 1885, is in force. VIII of 1885.

Repeal of sections 40 and 45 of Act VIII of 1885. 2. Sections 40 and 45 of the Bengal Tenancy Act, 1885, are hereby repealed. VIII of 1885.

Addition of Explanation to sub-section (3) of section 1. 3. To sub-section (3) of section 1 of the said Act, the following Explanation shall be added, namely:—

Explanation.—The words ‘the town of Calcutta’ mean, [Cf. Ben. Act III of 1899, s. 3 (7).] subject to the exclusion or inclusion of any local area 1899, s. 3 (7). by notification under section 637 of the Calcutta Municipal Act, 1899, the area described in Schedule I to that of Ben. Act III of 1899. Act.”

Amendment of section 3, sub-section (5). 4. (1) In sub-section (5) of section 3 of the Bengal Tenancy Act, 1885,—

- (a) after the word “money,” where it occurs for the first time, and
- (b) after the words “as if it was rent,”

the words “together with interest due thereon, or damages granted in lieu of interest” shall be inserted and added, respectively.

(2) In the same sub-section after the word and figures “Chapter XII” the word and figures “Chapter XIV” shall be inserted.

Addition to section 12. 5. To section 12 of the said Act, the following shall be added, namely:—

“(4) Nothing contained in any deed of transfer to which the landlord is not a party shall be evidence against the landlord of the permanence, fixity of rent, specification of area, transferability or any incident of any tenure or holding referred to in such deed.”

New sections 17A and 17B. 6. After section 17 of the said Act the following shall be inserted, namely:—

“17A. The acceptance by a landlord of the fees payable Saving as to acceptance of fees. under the foregoing sections and under section 18, clause (a), shall not operate—

- (a) as an admission as to the permanence, fixity of rent, specification of area, transferability or any incident of the tenure or holding, for which such fees have been paid, or
- (b) as an express consent, under the provisions of section 88, to the division of the tenure or holding, or to the distribution of the rent thereof.

“17B. All fees now in deposit, or which may hereafter be deposited, under the foregoing sections and under section 18, clause (a), for payment to a landlord, may, unless claimed by the landlord within six months from the date of the commencement of this Act or from the date of service of the notice prescribed in sections 12, 13 and 15, whichever is later, be declared to be forfeited to the Government.”

Amendment of section 19. 7. (1) Section 19 of the said Act shall be re-numbered section 19, sub-section (1).

*The Bengal Tenancy (Amendment) Bill, 1906.**(Clauses 8-11.*

(2) In the said sub-section (1), after the words "this Act," in both places where they occur, the words, brackets and figures "or the Bengal Tenancy (Amendment) Act, 1907," shall be inserted. Ben. Act of 1907.

(3) After the said sub-section (1), the following shall be inserted, namely :—

"(2) The inclusion of any land in the town of Calcutta by notification under section 637 of the Calcutta Municipal Act, 1899, shall not affect any right of occupancy previously acquired in such land." Ben. Act 1899.

Amendment of section 22.

8. In section 22 of the said Act,—

(a) for the words "the occupancy-right" in sub-section (1), and

(b) for the word "it" in sub-section (2),

the words "the tenancy" shall be substituted.

Amendment of section 37.

9. In section 37 of the said Act, for the figures "40" the figures and letter "71A" shall be substituted.

Amendment of section 38.

10. (1) In sub-section (1) of section 38 of the said Act, after sub-section the word and brackets "(namely)" the following shall be inserted, (1). namely :—

"(a) on the ground that the rate of rent paid by the raiyat is above the prevailing rate paid by occupancy- raiyats for land of a similar description and with similar advantages in the same village or neighbouring villages, and that there is no sufficient reason for his holding at so high a rate, or"

and the existing clauses (a) and (b) shall be re-lettered clauses (b) and (c), respectively.

(2) To the same sub-section the following proviso shall be added, namely :—

"Provided that where the rent of an occupancy-raiyat has been fixed or settled—

(i) by a lawful contract, or

(ii) by a Revenue-officer acting under the provisions of Chapter X, or

(iii) by a decree of any Court other than a decree passed *ex parte*, or on confession of judgment or on any compromise between the parties,

such raiyat shall not be entitled to institute a suit for the reduction of his rent on the ground specified in clause (a)."

Addition to section 52.

11. To section 52 of the said Act, the following shall be added, namely :—

"(6) When in a suit under this section the landlord or tenant proves that there is a custom, in the village in which the tenure or holding is situate, of settlement being made after measurement of the land assessed with rent, it may be presumed that the area of the tenure or holding specified in any patta, kabuliya, or rent-roll relating to it has been entered in such patta, kabuliya or rent-roll after measurement."

The Bengal Tenancy (Amendment) Bill, 1906.

(Clauses 12-14.)

Amendment of section 58. 12. In section 58 of the said Act, for sub-section (3), the following shall be substituted, namely :—

“(3) If a landlord or his agent without reasonable cause, the burden of proving which shall lie on him, fails to deliver to the tenant a receipt or statement, or to prepare and retain a counterfoil or copy of a receipt or statement as required by either of the said sections, the landlord or his agent, as the case may be, may be punished on summary trial and conviction before the Collector with fine, which may amount to fifty rupees.

(4) The Collector may take cognizance of an offence under this section, either on information received from a Revenue-officer, or upon complaint of the party aggrieved, or upon the report of a Civil Court; and it shall be the duty of every Revenue and Judicial Officer to report to the Collector all such cases as may come to his knowledge.

(5) Where, in any case under sub-section (3), the Collector convicts the landlord or his agent, as the case may be, and is satisfied that the tenant has not already instituted a suit under the provisions of sub-section (1) or sub-section (2),

the Collector may, on the application of the tenant, made either orally or in writing, award to the tenant such compensation not exceeding the penalty prescribed in sub-section (1) or sub-section (2), as the case may be, as he thinks fit.

(6) A tenant to whom compensation has been awarded by the Collector under sub-section (5) shall not be entitled thereafter to institute a suit under the provisions of sub-section (1) or sub-section (2) to recover any penalty from the landlord in respect of the same matter.

(7) Where, in any case under sub-section (3), the Collector [O. Act V of 1898, s. 250 (1)]. acquires the landlord or his agent, as the case may be, and is satisfied that the complaint or information of the tenant on which the proceedings were instituted is false or vexatious, the Collector may, in his discretion, by his order of acquittal, direct the tenant to pay to such landlord or agent such compensation, not exceeding fifty rupees, as the Collector thinks fit.

(8) An appeal shall lie to the Commissioner of the Division against any order of the Collector imposing a fine under sub-section (3) or awarding compensation under sub-section (7), and the orders passed by the Commissioner on such appeal shall be final and conclusive.”

New section 68A.

13. After section 68 of the said Act, the following shall be inserted, namely :—

“Damages for denial of landlord's title.

“68A. (1) When, in any suit between a landlord and tenant as such, the tenant renounces his character of [O. Act V of 1882, s. 111]. landlord's title. as tenant of the landlord by setting up without reasonable and probable cause title in a third person or himself, the Court may pass a decree in favour of the landlord for such amount of damages, not exceeding ten times the amount of the annual rent payable by the tenant, as it may consider to be just.

(2) The amount of damages decreed under sub-section (1), together with any interest accruing due thereon, shall, subject to the landlord's charge for rent, be a first charge on the tenure or holding of the tenant; and the landlord may execute such decree for damages and interest, either as a decree for a sum of money, or, subject to the provisions of section 158B, in any of the modes in which a decree for rent may be executed.”

Addition to section .

14. To section 69 of the said Act the following shall be added, namely :—

“(4) No order shall be passed on an application, under this section when, previously to such application, an application under section 121 for the restraint of the crops of a tenant has been made by the landlord and admitted by the Civil Court, and, if,

The Bengal Tenancy (Amendment) Bill, 1906.

(Clauses 15-17.)

after an order has been passed under this section, it appears that an application for the distraint of the tenant's crops has been made to the Civil Court before the application was made under this section, the Collector shall stay all proceedings under this section."

New section 71A.

15. After section 71 of the said Act the following shall be inserted, namely :—

"Commutation.

"71A. (1) Where a raiyat pays for a holding rent in kind, or on the estimated value of a portion of the crop, or at rates varying with the crop, or partly in one of these ways and partly in another, either such raiyat or his landlord may apply to have the rent commuted to a money-rent. [Cf. Act VII of 1885, s. 40]

(2) The application may be made to the Collector or Sub-divisional Officer or to an officer making a survey and record-of-rights under Chapter X, or to any other officer specially authorized in this behalf by the Local Government.

(3) On the receipt of the application the officer may determine the sum to be paid as money-rent, and may order that the raiyat shall, in lieu of paying his rent in kind, or otherwise as aforesaid, pay the sum so determined.

(4) In making the determination the officer shall have regard to—

- (a) the average money-rent payable by raiyats of the same class for land of a similar description and with similar advantages in the vicinity;
- (b) the average value of the rent actually received by the landlord during the preceding ten years, or during any shorter period for which evidence may be available; and
- (c) the charges incurred by the landlord in respect of cultivation or irrigation under the rent system previously in force, and the arrangements made on commutation for continuing those charges.

(5) The order shall be in writing, shall state the grounds on which it is made, and the time from which it is to take effect, and shall be subject to appeal in like manner as if it were an order made in an ordinary revenue proceeding.

(6) If the application is opposed, the officer shall consider whether under all the circumstances of the case it is reasonable to grant it, and shall grant or refuse it accordingly. If he refuses it, he shall record in writing the reasons for the refusal."

Amendment of section 88.

16. (1) In section 88 of the said Act, for the words "with his consent in writing," the words "with his express consent in writing, or with that of his duly authorized agent" shall be substituted.

(2) To the same section the following proviso shall be added, namely :—

"Provided that, if there is proved to have been made in a landlord's rent-roll any entry showing that the tenure or holding of any tenant has been divided, or that the rent payable in respect thereof has been distributed, such landlord may be presumed to have given his express consent in writing thereto within the meaning of this section."

Amendment of sub-section (2) of section 101.

17. In sub-section (2) of section 101 of the said Act,—

(1) For clause (a) the following clause shall be substituted, namely :—

"(a) where—

- (i) the landlord or tenants, or
- (ii) a proportion of not less than one-fourth of the total number of landlords, or

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(Cluses 18-20.)

(iii) a proportion of landlords, the aggregate of whose interests in the lands of the local area, estate or tenure or part thereof is not less in value than one-fourth of the total value of the interests of all the landlords therein, or

(iv) a proportion of not less than one-fourth of the total number of tenants,

applies or apply for such an order, and on his or their depositing, or giving security for such amount for the payment of expenses as the Local Government directs;".

(2) To clause (c) the following shall be added, namely :—

" or a Manager appointed by the District Judge under the provisions of section 95;".

(3) To the first *Explanation* to clause (d) the following shall be added, namely :—

" but does not render it necessary to settle the rents of tenants of every class in an estate or tenure belonging to Government, when it does not appear to the Government to be expedient to do so."

New clause (cc) in 18. After clause (c) of section 102 of the said Act, the section 102. following clause shall be inserted, and shall be deemed to have been so inserted from the commencement of the Bengal Tenancy Ben. Ac (Amendment) Act, 1898, namely III of 1898.

" (cc) the rights and obligations of each tenant and landlord in respect of—

(i) the use by tenants of water for agricultural purposes, whether obtained from a river, *jhil*, tank or well or any other source of supply, and

(ii) the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by each tenant, whether or not such appliances be situated within the boundaries of such land;".

Insertion of section 19. After section 102 of the Bengal Tenancy Act, 1885, VIII of 1885. 102A in Act VIII of 1885. the following shall be inserted, namely :—

" 102A. The Local Government may,

Power to order survey for the purpose of settling or averting and preparation of disputes existing or likely to arise between record-of-rights as to landlords and tenants, or between tenants and tenants, or between landlords or tenants and riparian proprietors,

make an order directing that a survey be made, and a record-of-rights be prepared, by a Revenue-officer, in order to ascertain and record the rights and obligations of each tenant and landlord in any local area, estate or tenure or part thereof, in respect of—

(a) the use by tenants of water for agricultural purposes, whether obtained from a river, *jhil*, tank or well or any other source of supply; and

(b) the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by each tenant, whether or not such appliances be situated within the boundaries of such land."

Amendment of sec. 20. For section 103B of the said Act the following shall be substituted, namely :—

" 103B. (1) In any suit or other proceeding in which a record-

Presumption as to final of-rights prepared and published under this publication and correct Chapter, or a duly certified copy thereof, ness of record-of-rights. or extract therefrom, is produced, such record-of-rights shall be presumed to have been finally published, unless this is expressly denied, and a certificate signed

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(Clauses 21-25.)

by the Revenue officer, or by the Collector of any district in which the local area, estate or tenure or part thereof to which the record-of-rights relates, is wholly or partly situate, stating that a record-of-rights has been finally published under this Chapter, shall be conclusive evidence of such publication.

(2) The Local Government may, by notification, declare, with regard to any specified area, that a record-of-rights has been finally published for every village included in such area, and such notification shall be conclusive evidence of such publication.

(3) Every entry in a record-of-rights so published shall be evidence of the matter referred to in such entry, and shall be presumed to be correct until it is proved by evidence to be incorrect.

Amendment
heading to Part IV
of Chapter X. 21. In the heading to Part II of Chapter X of the said Act, for the words "*decision of disputes*" the words "*disposal of objections*" shall be substituted.

Addition to section
105 (4). 22. To sub-section (4) of section 105 of the said Act, the following shall be added, namely :—

" and may, if the circumstances are, in his opinion, such as to [Cf. Act VIII of 1885, s. 104 A (1)(c).] make it practicable and expedient to prepare a table of rates, frame a table of rates, and settle and record all or any of the rents on the basis of such rates in the manner described in sections 104B, 104C and 104D."

Addition to section
109A. 23. To section 109A of the said Act the following shall be added, namely :—

" (4) A note of all rents settled and of all decisions of disputes on revision or appeal, under section 108 or section 109A, [Cf. Act VIII of 1885, s. 107 (2).] shall be made in the record-of-rights finally published under section 103A, and such note shall be considered as part of the record."

New section 109B. 24. In Part IV of Chapter X of the said Act, immediately before section 110, the following shall be inserted, namely :—

" 109B. In ascertaining and recording the rents payable, [Cf. Act XIV of 1882, s. 375.] and in deciding disputes under this Chapter, the Revenue-officer may give effect to any lawful agreement or compromise made or entered into by the landlord and tenant, and may frame the record accordingly ;

but he may refuse to do so, if, for reasons to be recorded, he considers the agreement or compromise to be illegal or unfair and inequitable,

and he shall not give effect to any agreement or compromise which contravenes the provisions of section 29."

Amendment
section 112. 25. (1) In sub-section (1) of section 112 of the said Act, the words "*acting under this Chapter*" shall be omitted.

(2) After sub-section (1) of the said section the following shall be inserted, namely :—

"(2) The Local Government may, with the previous sanction of the Governor General in Council, invest a Revenue-officer with power to settle or reduce rents under this section, after satisfying himself that the landlord is demanding rents which have been illegally enhanced above those entered as payable in a record-of-rights prepared under this Chapter.";

and the existing sub-sections (2) and (3) shall be re-numbered sub-sections (3) and (4), respectively.

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(Clauses 26-30.)

(3) After sub-section (4) the following shall be added, namely:—

“(5) The provisions of sections 101 to 104J (both inclusive) shall apply to a settlement of rent made under this section.”

Amendment of sec. 26. In sub-section (1) of section 113 of the said Act for the word, letter and brackets “clause (a)” the word, letter and brackets “clause (b)” shall be substituted.

Amendment of sec. 27. In section 114 of the said Act,—

(1) In sub-section (1),—

(a) the words “by the Government” shall be omitted, and

(b) for the words “from time to time in the main- tenance,” the following shall be substituted, namely:—

“at any time, whether before or after the preparation of the record-of-rights, in the maintenance, repair or restoration”.

(2) After sub-section (1), the following shall be inserted namely:—

“(2) The estimated amount of the expenses likely to be incurred for the maintenance, repair or restoration of boundary-marks for a period not exceeding fifteen years, or such part of such expenses as the Local Government may direct, may be recovered in advance in the same manner as if they had been already incurred.”;

and the present sub-section (2) shall be re-numbered sub-section (3).

(3) After sub-section (3), the following shall be added, namely:—

“(4) The cost of the preparation of copies of the survey maps and record-of-rights, prepared under this Chapter for distribution to landlords and tenants, shall be deemed to be part of the expenses incurred in carrying out the provisions of this Chapter.”

Addition to heading to Chapter XI. 28. To the heading to Chapter XI of the said Act the following words shall be prefixed, namely:—

“NON-ACCURAL OF OCCUPANCY AND NON-OCCUPANCY RIGHTS,
AND”

Amendment of sec. 29. In section 116 of the said Act, after the words “shall apply to” the following shall be inserted, namely:—

“lands acquired under the Land Acquisition Act, 1894, I of 1894, for the Government or for any local body or for a Railway Company, or lands belonging to the Government within a cantonment under the Cantonments Act, 1889, while such lands remain XIII of 1889, the property of the Government, or of such local body or Railway Company, or to”.

New sections 147A and 147B. 30. After section 147 of the Bengal Tenancy Act, 1885, the VIII of 1885, following shall be inserted, namely:—

“147A. (1) The provisions of section 375 of the Code of XIV of 1882, Civil Procedure shall not apply to between landlord and any suit between landlord and tenant as such.

(2) Where any suit between landlord and tenant as such is adjusted wholly or in part by any lawful agreement or compromise, or if the defendant satisfies the plaintiff in respect to [Cf. Act XIV of 1882, § 375.]

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(Clauses 31-32.)

the whole or any part of the matter of the suit, the Court may pass a decree in accordance with such agreement, compromise or satisfaction, so far as it relates to the suit;

but may refuse to do so if, for reasons to be recorded, it considers such agreement, compromise or satisfaction to be illegal or unfair and inequitable.

(3) No decree shall be passed in accordance with any agreement or compromise which contravenes the provisions of section 29.

(4) A decree passed in accordance with any lawful agreement, compromise or satisfaction shall be final so far as it relates to so much of the subject-matter of the suit as is dealt with by such agreement, compromise or satisfaction.

"147B. In all areas in which a record-of-rights has been prepared and finally published under sub-Civil Courts to entries section (2) of section 103A, a Civil Court in record-of-rights shall, in all suits between landlord and tenant as such, have regard to the entries in such record-of-rights referring to the land in dispute which may be produced before it, unless such entries have been proved by evidence to be incorrect, and, when a Civil Court passes a decree at variance with such entries, it shall record its reasons for so doing."

New clause (bb) in section 148.

31. (1) In section 148 of the said Act, after clause (b), the following shall be inserted, namely:—

"(bb) where the suit is for the rent of land situated within an area in which a record-of-rights has been prepared and published, the plaintiff shall, unless the Court is satisfied that the plaintiff was prevented by any sufficient cause from furnishing such statement, further contain a statement of the rental of the tenancy according to the record-of-rights:

Provided that, if the Court sees fit at any time to require it, a verified or certified copy of, or extract from, the record-of-rights relating to the tenancy shall be produced by the plaintiff, or shall, if necessary, on the requisition of the Court, be supplied by the Collector without payment of fee:”.

(2) After clause (f) of the same section, the following shall be inserted, namely:—

"(ff) where any account-books, rent-rolls, or collection or measurement papers have been produced by a landlord in any Court in a suit pending therein, copies of, or extracts from, such documents, which have been certified by a duly authorized officer of such Court to be true copies or extracts, may be admitted in evidence in proof of the originals in any other suit instituted in the same or another Court, unless the Court in which such copies or extracts are produced sees fit to require the production of the originals:”.

Amendme of
section 153.

32. (1) Section 153 of the said Act shall be re-numbered section 153, sub-section (1).

(2) To section 153 the following shall be added, namely:—

"(2) Where, in a suit instituted by a landlord for the recovery of rent, no appeal lies under this section, no appeal shall lie from any order passed in execution of the decree in such suit.”

The Bengal Tenancy (Amendment) Bill, 1906.

(Clauses 33, 34.)

New section 158A. 33. After section 158 of the said Act the following shall be inserted, namely:—

*"Summary Procedure for the Recovery of Rents under the Ben. Act I of 1895.
Public Demands Recovery Act, 1895.*

"158A. (1) Any landlord whose land is situate in an area [Cf. Bom. Act V of 1879, ss. 86, 88.] Recovery of arrears by application of procedure prescribed in the Public Demands Recovery Act, 1895, in certain areas. may apply to the Local Government, through the Collector of the district in which his land is situate, for the application of the procedure prescribed by the Public Demands Recovery Act, 1895 [as amended by the Bengal Public Demands Recovery Ben. Act I of 1895. (Amendment) Act, 1897], to the recovery of the arrears of rent Ben. Act I of 1897. which he alleges are due to him for lands in such area.

(2) The Local Government may refuse to allow the landlord's application, or may allow it subject to such terms and conditions as it may see fit to impose, and may at any time add to or vary those terms and conditions, or withdraw its allowance of the application, without, in any of these cases, assigning any reason for its action.

(3) When any such application has been allowed, such Revenue Officer as may be appointed for the purpose may,

after inquiry and after inspection of the landlord's rent-rolls, accounts and collection papers, in accordance with such rules as the Local Government may prescribe in this behalf under this Act,

issue certificates for the recovery of the arrears alleged to be due in the Form prescribed therefor, and any such certificate shall, as regards the remedies for enforcing the same and so far only, have the force and effect of a decree of a Civil Court.

(4) The following provisions of the Public Demands Recovery Act, 1895 [as amended by the Bengal Public Demands Recovery (Amendment) Act, 1897] shall, so far as they are of 1895. Ben. Act I applicable, apply to all certificates for the recovery of rent issued under sub-section (3), namely:—

'the proviso to sub section (1) of section 7, and sections 10 to 17 (both inclusive), 19 to 22 (both inclusive), 23, 25, 26, and 29 to 33 (both inclusive).'

(5) No landlord shall institute a suit in a Civil Court for the recovery of any arrears of rent in respect of which he has applied for the issue of a certificate;

and no tenant, after the issue of any certificate against him, shall institute a suit in, or apply to, a Civil Court for the alteration of the rent payable by him, or the determination of his status as a tenant, in respect of the period during which the arrears of rent for which such certificate has been issued against him has accrued."

New section 158B. 34. In Chapter XIV of the Bengal Tenancy Act, 1885, VI I of 1885. immediately before section 159, the following shall be inserted, namely:—

"158 B. (1) Where a tenure or holding is sold in execution

Passing of tenure or holding sold in execution of decree, of a decree for arrears due in respect thereof, or of a decree for damages under section 68A, the tenure or holding shall

decrees in execution of which it has been sold has been obtained by— pass to the purchaser, provided that the

- (a) a sole landlord; or
- (b) the entire body of landlords; or
- (c) one or more co-sharer landlords, who has, or have, sued for the rent due to all the co-sharers in respect of the whole tenure or holding and made all the remaining co-sharers parties defendant to the suit.

The Bengal Tenancy (Amendment) Bill, 1906.

(Clauses 35-39.)

(2) On one or more co-sharer landlords, who has, or have, sued for the rent due to all the co-sharers in respect of the whole tenure or holding and made the remaining co-sharers parties defendant to the suit, applying for the execution of the decree by the sale of the tenure or holding, the Court shall, before proceeding to sell the tenure or holding, give notice to the other co-sharers."

Amendment of sub-section (1) of section 169 and addition of proviso. 35. (1) In clause (c) of sub-section (1) of section 169 of the said Act, after the words "the date of" the words "the confirmation of" shall be inserted.

(2) To the said sub-section the following proviso shall be added, namely:—

"Provided that, where a tenure or holding has been sold in execution of a decree obtained by one or more co-sharer landlords, who has, or have, sued for rent due to all the co-sharers in respect of the whole tenure or holding and made all the remaining co-sharers parties defendant to the suit,—

(i) payment of the amount due under such decree shall, notwithstanding anything contained in clause (b), be made to the decree-holder and to the other co-sharer landlords in proportion to the amount found due to each, and,

(ii) if there remains a balance, payment of any rent which may have fallen due in respect of the tenure or holding between the institution of the suit and the date of the confirmation of the sale shall, notwithstanding anything contained in clause (c), but subject to the determination, in the manner and with the effect mentioned in sub-section (2), of any dispute as to their respective rights to receive such rent, be made to the said decree-holder and the other co-sharer landlords in proportion to their respective shares in the tenure or holding;" .

Amendment of section 170. 36. In section 170 of the said Act, after the words and brackets "(both inclusive)," the word, figures and letter "and 310A" shall be inserted.

Amendment of section 174. 37. To the proviso to sub-section (2) of section 174 of the said Act, the following shall be added, namely:—

"and if he applies under this section, he shall not be entitled to make an application under section 311 of the Code of Civil Procedure."

XIV of 1882.

Amendment of sub-section (3) of section 178. 38. (1) In clause (g) of sub-section (3) of section 178 of the Bengal Tenancy Act, 1885, for the figures "40" the figures VIII of 1885, and letter "71A" shall be substituted.

(2) In proviso (iii) to the same sub-section, after the words "cultivation of" the words "horticultural or" shall be inserted.

New section 188A. 39. After section 188 of the said Act the following shall be inserted, namely:—

"188A. (1) Notwithstanding anything contained in this Act, every suit instituted by one or more joint landlords, whose share of the rent of a tenure or holding is collected separately, for the recovery of the arrears of such share, shall be subject to the provisions of sections 143 to 153 (both inclusive), 168, 169, 184 and 185.

(2) A decree obtained in any such suit may, subject to the provisions of section 158B, be executed in the manner prescribed in the Code of Civil Procedure for the execution of a decree directing a party to pay money, and no other provision of Chapter XIV of this Act shall apply to any such decree."

XIV of 1882.

The Bengal Tenancy (Amendment) Bill, 1906.

(Clauses 40-43.)

New clauses (2) and (3) in section 189. 40. For sub-section (2) of section 189 of the Bengal Tenancy Act, 1885, the following shall be substituted, namely:—

- “(2) to prescribe forms and the mode of service of notices under this Act where no form or mode is prescribed by this or any other Act ;
- “(3) to prescribe the authority by which the fees deposited under sections 12, 13, 15, 17 and 18, clause (a), may be declared to be forfeited, and the mode in which such fees when so forfeited shall be dealt with.”

Amendment of section 191. 41. In section 191 of the said Act, for the words “has never been” the words “is not” shall be substituted.

Amendment of section 192. 42. In section 192 of the said Act, before the words “fix a fair and equitable rent” the words “or of his own motion” shall be inserted.

Amendment of Schedule III. 43. In Schedule III to the said Act,—

- (1) After Article 1 the following shall be inserted, namely:—

1(a) To eject a non-occupancy raiyat on the ground of the expiration of the term of his lease.	Six months	...	The expiration of the term.
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(2) In Article 3, for the words “an occupancy raiyat” the words “a raiyat or an under-raiyat” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are—

- (1) while, on the one hand, giving landlords greater facilities for the collection of their rents yet, on the other, to discourage their evading the provisions of the Bengal Tenancy Act, 1885, with regard to the enhancement of rent by entering into unfair, inequitable and collusive compromises with their tenants;
- (2) to give greater authority to the record-of-rights, when such record has been duly prepared and published;
- (3) to give power to Government to distinguish between good and bad landlords, and to take steps in the case of the latter for the reduction of rents, when they appear to have been so unduly enhanced as to be oppressive to the cultivators of the soil, and
- (4) to revise the Bengal Tenancy Act, 1885, to the extent of removing such defects in it as the working of the Act during the past twenty years has brought to light, and such ambiguities and anomalies as have given rise to conflict of opinion and judicial decision.

An explanation of the provisions of the Bill is given in the subjoined *Notes on Clauses*.

NOTES ON CLAUSES.

Clause 2.—Section 40, though repealed is reproduced in an amended form as section 71A. Experience has shown that the necessity to serve a notice to quit on a non-occupancy raiyat holding under a lease is often overlooked by the landlord, and that, even when served, the landlord has no means of proving service. It is therefore proposed to dispense with the notice by repeal of section 45, at the same time transferring the provision as to limitation for a suit for ejectment of a non-occupancy raiyat to Schedule III of the Act.

Clause 3.—In the ruling of the High Court, reported in I. L. R., 27 Cal., 202, it has been held that occupancy rights may accrue in those areas which have been included within the Town of Calcutta, subsequent to the passing of the Bengal Tenancy Act, 1885. It is undesirable that the Act should have any application to the Town of Calcutta, as it is now constituted, or as it may hereafter be constituted under any future extension or modification of its boundaries. The proposed Explanation to section 1 (3) of the Act will remove any doubts on the subject. The amendment projected in clause 7 of the Bill will prevent rights of occupancy already acquired, or acquired prior to a future extension of the Act, being affected.

Clause 4.—The object of this clause is so to widen the definition of rent as to make it clear that rent includes interest on arrears and cesses. Tenures and holdings can, under the existing law, only be sold free of incumbrances for arrears of rent, and, under the present definition and the High Court's ruling in Kailash Chandra Dey *versus* Tarak Nath Mandal (I. L. R., 25 Cal., 571), interest is not rent. It is apprehended that this ruling may give rise to difficulties in practice. A landlord's claim in a rent-suit almost invariably includes cesses and interest on arrears. It is to the interest of landlords and tenants alike that the law regarding the recovery of arrears of rent should be as simple as possible, and that rent, interest and cesses, lawfully due, should be recoverable by a single proceeding.

Clauses 5 and 6.—The working of sections 12 to 17 of the present Act, relating to the transfer of permanent tenures, is not satisfactory. They induce tenants to register transfers of tenures which are not really permanent, in the hope that the acceptance of the fee by the landlord will operate as an admission of the permanence and transferability of the tenure. The landlords, on the other hand, are reluctant to accept the fees, and the result is that a very large amount of unclaimed fees has accumulated in different districts in the province. This state of things is not only a source of embarrassment to Government, but also creates doubts and difficulties in regard to the position of the transferees of tenures. It is hoped that the amendments now proposed will overcome the reluctance of landlords to accept the fees in the case of tenures which are really permanent, and that tenants will be deterred thereby from registering transfers of tenures which are not of this character.

The same considerations apply to the transfer of, and succession to, holdings at fixed rents or rates of rent, and under section 18 (a) of the Act, these are governed by the same conditions. Clauses 5 and 6 have been so framed as to make the proposed amendments applicable to the case of holdings at fixed rents or rates of rent.

There is no provision in the Act for the disposal of unclaimed fees. As these have accumulated, and in order to expedite claims to fees due, thus freeing the district establishments from much extra work, it is proposed that the Government should have power to deal with them in such manner as it thinks fit.

Clause 7.—The necessity for the amendment of section 19 is explained in the note to clause 3, *supra*.

Clause 8.—The object of this amendment of section 22 is to counteract the ruling of the High Court in Zuwdul Huq's case (I. L. R., 24 Cal., 143) and the full Bench ruling in

Ram Mohan Pal *versus* Sheikh Kachu (I. L. R., 32 Cal., 386). These decisions lay down a rule opposed to the policy of the authors of Act VIII of 1885, which was to discourage the acquisition of occupancy holdings by landlords.

Clause 9.—This clause is consequential upon clauses 2 and 15.

Clause 10.—It seems fair that an occupancy raiyat should be allowed to apply for reduction of rent on the ground that his rent is above the prevailing rates. The proposed addition to section 38 will enable him to do so. It is inadvisable, however, that raiyats should be allowed to institute suits on such a ground, in cases where their rents have been fixed or settled by a Revenue-officer under Chapter X of the Act, or by a lawful contract or a decree of Court. The proviso has been framed for this purpose.

Clause 11.—The law, as it stands at present, contains no provision for the proof of excess area, otherwise than by evidence of its specific existence in each case, and the decisions of the Courts have not always been in accordance with the intentions of the framers of the Amendment Act of 1898, who, by adding sub-section (5) to section 52, by implication suggested that excess area may be assessed to rent, even if the landlord is unable to indicate any particular land as held in excess. The proposed modification of section 52 will allow the custom of settlement on measurement to be taken as a presumption that the area of a tenure or holding mentioned in the landlord's papers has been ascertained by actual measurement, and thus make it easier for the landlords to prove the existence of excess area.

Clause 12.—The provisions of the Tenancy Act regarding the issue of proper rent receipts by landlords are very generally disregarded in certain parts of the Province. It is considered necessary to take more active measures to enforce them. At present the provisions of section 58 can only be set in motion on the complaint of the tenant and are practically inoperative. It is proposed, therefore, to give the Collector power to take action on reports received from Revenue or Judicial officers, who will be required to bring to the Collector's notice any breaches of the law which come to their knowledge. The power to require payment of compensation to the landlord will, it is hoped, to a large extent debar the bringing of false and vexatious complaints. In cases where the complaint is substantiated, the Collector should be empowered to award compensation to the tenant on the same scale as is provided in section 58 (1) and (2), and where compensation is so awarded by the Collector, the tenant should not be allowed to sue the landlord in the Civil Court for any penalty. It is inadvisable that tenants should be able to obtain damages in two different Courts; the amendments proposed will be sufficient to safeguard their rights and to secure obedience to the law.

Clause 13.—One of the main objects of the Bill is to give landlords greater facilities for collecting their rents. It is to a great extent owing to *mala fide* denials of the landlord's title that ordinary rent-suits have in so many cases become complicated and protracted title suits. The proposed new section 68A will, it is hoped, be very effectual in preventing tenants from attempting to evade payment by the setting up of false titles, while at the same time protecting those who may have acted *bona fide*.

Clause 14.—The proposed addition to section 69 will prevent the powers of distress at present enjoyed by landlords being rendered ineffectual. It is a common device of the tenants, as soon as the landlord applies to the Civil Court for distress of their crops, to apply to the Collector for orders of appraisement under section 69. The Collector then prohibits the removal of the crops; so the landlords cannot prosecute their applications to distress. The new sub-section is intended to defeat such devices.

Clause 15.—This clause transfers the provisions regarding the commutation of produce rents to a more appropriate place in the Act, and reproduces the present section 40 with certain modifications. Under section 40, only occupancy raiyats are allowed to apply for commutation. It seems reasonable that the same privilege should be conferred on all classes of raiyats. Under section 40 (2) the application may be made "to an officer making a settlement of rents under Chapter X." This phrase has given rise to difficulties in practice, as where a settlement of land revenue is not being or is not about to be made, settlement of rents does not take place until after final publication. It is therefore proposed to modify the sub-section with the object of allowing applications for commutation to be filed before any officer making a survey and record-of-rights under Chapter X.

Clause 16.—The ruling reported in I. L. R. 25 Calc., 531, has given rise to doubts as to the circumstances, in which consent to the division of a tenure or holding, or distribution of the rent payable in respect thereof, may be inferred from the conduct of the landlord. The amendment will make it clear that the landlord is only bound by an express consent in writing given by himself or a duly authorised agent. The ordinary practice, however, is for the landlord to signify his consent to the division of a tenure or holding and distribution of the rent payable, by making the necessary alteration in his rent-roll, and it is accordingly provided that where such an alteration has been made, it may be presumed that the landlord has given his express consent to the division.

Clause 17.—The words "a large proportion of the landlords or of the tenants" in section 101 (2) (a) are vague and have given rise to differences of interpretation. It is desirable that the proportion of landlords or tenants, who may apply for a survey and record-of-rights, should be more clearly defined; one-fourth has been adopted as a reasonable proportion. It is always open to the Government to grant or refuse such an application if it should think fit, of the operations under section 114. In the case of co-sharer landlords, either a fourth of the

total number, or a co-sharer or co-sharers representing a fourth of the total interests, should be permitted to apply. There is sometimes difficulty in getting co-sharers to join in such applications, and it is thought equitable that a considerable minority, such as one-fourth should be permitted to submit an application for the consideration of the Government.

The addition to section 101 (2) (c) made by the clause will enable a survey and record-of-rights to be made in the case of an estate placed under a Manager appointed by the District Judge under section 95. The proper management of such estates will often be greatly facilitated by survey and the preparation of a record-of-rights. It seems reasonable that they should be placed on the same footing as estates taken over by the Court of Wards.

It has been held that *Explanation 1* to section 101 (2) (d), read with section 104 (a), renders it necessary to settle fair and equitable rents for tenants of every class, whenever a survey and record-of-rights is made in respect of a Government estate or tenure. This course is ordinarily adopted, but it is sometimes found inconvenient. The addition to the explanation therefore provides that it shall not be necessary to settle the rents of tenants of every class in a Government estate or tenure, when it does not appear to the Government to be expedient to do so.

Clause 18.—It has been the practice in most surveys and records-of-rights made within recent years to include among the particulars entered in the record-of-rights, a record of the rights and obligations of landlords and tenants with regard to the use of water for agricultural purposes. Conflicting opinions have been given by the legal advisers of the Government, as to whether such a record can be made under the present section 102. Such records have been found useful in areas in which irrigation is a matter of importance; this clause therefore, is intended to authorize the making of such records in future, and also to place beyond doubt the validity of those which have already been made.

Clause 19.—The object of this clause is to give the Local Government power to make a record of the rights and obligations of landlord and tenant in regard to the use of water for agricultural purposes, independently of a general record-of-rights under section 101, when such a course appears necessary for the purpose of settling or averting disputes.

Clause 20.—This clause modifies the present section 103B, with the object of defining more clearly the weight to be attached to the entries in a finally published record-of-rights and to facilitate the proof of final publication. At present, difficulties are sometimes raised in the Appellate Courts owing to the certificate of final publication not having been produced in the Original Court, because the due publication of the record was not disputed there. There may also be difficulty in furnishing the necessary certificate, if it is called for, after the settlement operations have been concluded and the Revenue Officer has left the district. It is therefore proposed that the record-of-rights shall be presumed to have been finally published, unless this is expressly denied, and that a certificate signed by the Revenue Officer or by the Collector of the district, stating that the record-of-rights has been finally published, shall be conclusive evidence of such publication. It is also proposed to make the provisions of the section applicable to all suits and proceedings in which the record-of-rights may be produced.

Sub-section (2) of the proposed new section 103B, will obviate the necessity of producing a certificate regarding the final publication in every case in which there is a dispute.

Clause 21.—The amendment cures a defect in the wording of the heading of the Part, which does not deal with the decision of disputes.

Clause 22.—In settling rents under section 105 the existing rent, which, under section 105(4), is presumed to be fair and equitable, should be taken as the starting point; but frequently, owing to disputes between landlord and tenant, it is impossible to ascertain the existing rent. It is therefore desirable that a Settlement Officer acting under section 105 should have authority to fix rents in accordance with a table of rates, such as may be used in proceedings under section 104A, in cases where such a course is practicable and expedient.

Clause 23.—This clause is intended to rectify what was apparently an oversight in the Amendment Act of 1898. Under section 107 (2), the Revenue Officer is required to make in the record-of-rights a note of all rents settled under section 105 and of all decisions of disputes under section 106, and this note is declared to be a part of the record. There is no corresponding provision as to the entry of orders passed regarding such rents or disputes, on revision under section 108, or on appeal under section 109A. It is clearly advisable that a note of such revisional or appellate orders should be made in the record, in order to make the record complete. The clause provides for this being done. As appeals are frequently not decided till after the Settlement Officer has left the district, the proposed section abstains from prescribing by what officer the note of the revisional or appellate decision shall be made. The Government or the Board of Revenue will have power to prescribe this by rules made under the Act or by executive order.

Clause 24.—The object of this clause is to empower Revenue Officers making a record-of-rights under Chapter X to refrain from giving effect to illegal and inequitable compromises, and to make it obligatory on them to disregard compromises regarding the enhancement of rents by contract between landlord and tenant, if they contravene the provisions of section 29 of the Act. A large number of illegal and inequitable compromises regarding rent, status and other matters have been filed in the course of the settlement operations now being carried on throughout the Province, and Government has declared that it cannot consent to Revenue Officers being compelled to give effect to them in framing the record-of-rights. The necessity for adopting some such provision has been forced upon the Government by the action of certain zamindars.

Clause 25.—This clause is intended to give effect to one of the main objects of the Bill, *i.e.*, to enable Government to take steps to reduce rents, in cases where these have been illegally enhanced, so as to be oppressive to the cultivators of the soil. It is possible that the Government has power to take such action under section 112, as it stands at present, but that section was incorporated in the Tenancy Act under a guarantee that it would be used only in cases of agrarian disturbance. Experience has shown, however, that certain landlords have been able to force illegal and oppressive rents on their tenantry, without creating any immediate agrarian disturbance. In such cases the Government proposes in future, to take action to reduce the excessive rents before any actual disturbance arises.

Clause 26.—This clause is consequential upon the amendment proposed in sub-section (1) of section 38.

Clause 27.—When a survey and record-of-rights are undertaken on the application of landlords and tenants, the costs are usually met in the first instance from deposits made by the applicants, and not from Government funds. In such cases, it is often equitable to recover a share of the expenses from the other landlords and tenants concerned, who also benefit by the preparation of the record-of-rights. The proposed omission will make clear the legality of this course.

In the course of survey and settlement operations, permanent boundary marks are erected at all points where the boundaries of three villages meet. Arrangements are made for the repair and restoration of these marks from time to time as may be necessary, after the completion of the original survey proceedings. Such marks, if properly maintained, are of great utility in preventing boundary disputes from arising, and are, in fact, a valuable adjunct to the record-of-rights. It is therefore proposed to take power to recover in advance the estimated cost of the maintenance, repair and restoration of these boundary marks for a period of fifteen years together with the cost of the preparation of the record-of-rights. The cost of maintaining the boundary marks for fifteen years will be an insignificant addition to the cost of the preparation of the record-of-rights, and it will be more convenient both to the Government and to the landlords and tenants to collect both sums simultaneously, than to have a separate proceeding for the recovery of the cost of maintenance of boundary marks. The period of fifteen years has been fixed, because this is the time for which the rents of tenures and occupancy holdings settled under Chapter X have effect under section 113.

After the preparation of a record-of-rights, it is usual to distribute copies of it, together with copies of the village maps to the landlords and tenants. No proceedings under Chapter X can be considered complete without this. In order to remove all doubt, it is proposed to provide that the cost of the preparation of these copies shall be deemed to be part of the expenses incurred in carrying out the provisions of the Chapter.

Clauses 28 and 29.—These clauses are intended to bar the accrual of occupancy and non-occupancy rights in lands acquired under the Land Acquisition Act, 1894, and the Cantonments Act, 1889, so long as they are the property of the Government or the local body or Railway Company for which they were acquired. It often happens that such lands are temporarily not required by the Government or the local body or Railway Company, but under the present law, if they are temporarily sublet to agricultural tenants, occupancy and non-occupancy rights accrue, and these have to be reacquired on payment of compensation, when the lands are again required for public purposes. This consideration often deters the Government, local bodies and Railway Companies from temporarily subletting such lands, where this course might be followed with advantage. In either case, whether the lands are temporarily sublet (the occupancy and non-occupancy rights being subsequently reacquired, when the land is again required for public purposes), or whether the lands are allowed to remain unlet from fear of this contingency, an unnecessary waste of public money occurs, and it is justifiable on this account to apply these special provisions to such lands.

Clause 30.—The proposed section 147A is intended to give to Civil Courts the same power to disregard illegal and inequitable compromises regarding rent and other matters in suits between landlord and tenant as such, as it is proposed to confer by clause 24 upon Revenue officers engaged in the preparation of the record-of-rights. Section 375 of the Code of Civil Procedure governs compromises filed in suits under the present law, and there is reason to believe that decrees have been passed giving effect to compromises containing illegal and inequitable provisions, and in particular that the provisions of section 29 regarding the limits of enhancement of rent by contract between landlord and tenant have frequently been nullified in this way. The addition to the law, which is now proposed, will enable the Civil Courts to refrain from giving effect to any compromise which is illegal, unfair or inequitable, and will make it obligatory on the Courts to refuse to give effect to any compromise which contravenes the provisions of section 29.

The proposed section 147B is intended to define more clearly the force to be attached to entries in the record-of-rights in proceedings and suits between landlord and tenant as such. Under the present Act, (section 103B), such entries are presumed to be correct until the contrary is proved. But cases have occurred which indicate that it is doubtful whether that the Courts shall have regard to the entries in the record-of-rights, unless such entries have been proved by evidence to be incorrect, and that when a Court passes a decree at variance with such entries, it shall record its reasons for so doing.

Clause 31.—A large proportion of suits for arrears of rent are decided *ex parte*, owing to the absence of the defendant raiyat. It is believed that in such cases it is the practice

of the Civil Courts to pass a decree in accordance with the landlord's claim, without any reference to the entry in the record-of-rights of the rent payable. It is generally recognised that it is desirable that the Court should have regard to the entry of rent in the record-of-rights in all suits for arrears of rent. Various expedients have been suggested for giving effect to this. It is intended to require the landlord to include in the plaint a statement of the rental of the tenancy according to the record-of-rights, and to give the Court power, when it thinks necessary, to procure from the Collector's office a verified or certified copy of, or extract from, the record-of-rights relating to the tenancy, without payment of any fee. This will save landlords the trouble and expense of procuring certified copies for themselves.

Much inconvenience is caused to landlords, owing to their original rent-rolls, collection and measurement papers and account books having to be simultaneously filed in Court in different suits for the recovery of arrears of rent. The new clause (ff) provides that, when the originals have been once produced in Court in any suit, the landlord may be permitted to file certified copies or extracts in subsequent suits.

Clause 32.—The ruling reported in I. L. R., 32 Calc., 997, lays down that there may be a second appeal in an execution proceeding in a suit for the recovery of rent, even when there is no such right of appeal in the original suit. It is undesirable that execution proceedings should be protracted in this way, and the object of the clause is to limit the right of appeal in an execution proceeding to that provided for the original suit.

Clause 33.—The provision of a summary procedure for the recovery of rents has for many years been urged upon the Government by landholders. The delay and expense caused by the present system are admitted, but hitherto no scheme, which has been put forward, has commended itself. The fact that records-of-rights have now been prepared for large areas in the province justifies a reconsideration of the matter. Where a record-of-rights has been prepared and is periodically revised or maintained, the annual demand due from each individual raiyat is accurately known. The only question at issue in a rent suit will be the amount due from the raiyat for the period for which rent is claimed in the suit. If the landlord's accounts and collection papers are properly maintained, and if proper rent-receipts in foil and counterfoil are habitually kept and given as required by law, this will, in the great majority of cases, be an easy matter to determine. It is therefore proposed that in areas in which a record-of-rights has been prepared and published and is periodically revised, the Local Government should take power to allow the recovery of arrears of rent by the application of the procedure prescribed by the Public Demands Recovery Act, 1895, in the case of those landlords to whom, in the opinion of the Government, this privilege may safely be conceded. It is further proposed that the issue of certificates should be entrusted to a Revenue Officer, who shall have power to inspect the landlord's rent-rolls, accounts and collection papers, and to compare the receipts given to the raiyats with the counterparts kept by the zamindar, and to test their agreement with entries in the accounts. The conditions under which the summary procedure may be applied will thus resemble those under which it is extended to Government estates and estates under the Court of Wards, for the demand of each individual raiyat will be accurately known and the landlord's accounts and collection papers will be subject to inspection by a Government officer. If it is possible, with safety, to reduce the expense of rent-suits, the results will be beneficial to landlords and tenants alike, and it is expedient, therefore, that a trial should be given to the scheme provided for in the clause subject to the safeguards laid down in sub-section (2) of the projected new section 158 A.

Clause 34.—Under the present law, considerable difficulty in realizing rents is often experienced by co-sharer landlords, who make rent collections jointly. A decree for arrears of rent, obtained by a co-sharer for the amount due to him alone, is a mere money decree (8 C. W. N., 472) and the tenure or holding, in respect of which the arrears are due, does not pass to the purchaser in a sale for the execution of such a decree (I. L. R., 29 Calc., 219) unless he can get himself recognised by the other co-sharers. Decrees for arrears of rent obtained by single co-sharers, are therefore often of little value, and the system is further objectionable, in that it exposes the tenant to the trouble of several successive suits brought by different co-sharer landlords. Considering that the majority of estates in the province are held by co-sharer landlords, it seems necessary to provide a remedy for the present state of things. As it is often impossible to get all the landlords to join in a suit for arrears of rent, a single co-sharer should be empowered to sue for the rent due to all the co-sharers, and that the tenure or holding should pass in execution of a decree obtained in such a suit, provided that the other co-sharers have been made parties.

Clause 35.—As the law now stands, the decree-holder is, under section 169 of the Bengal Tenancy Act, entitled to the rent up to the date of the sale, while, under section 316 of the Civil Procedure Code, the title does not vest in the purchaser until the date of the confirmation of the sale. The proposed amendment will bring the sections into conformity.

The proviso is necessary for the carrying out of the object of the preceding clause. Each co-sharer will get his share of the proceeds of the sale in proportion to his interest and the amount of rent due to him.

Clause 36.—It has been held by the High Court that the provisions of section 310A of the Code of Civil Procedure apply to sales in execution of rent decrees. This enables persons other than the judgment-debtor to apply to have such sales set aside. It is undesirable that proceedings between landlord and tenant, relating to the recovery of rent, should be protracted

by the intervention of third parties, and it is accordingly proposed that section 310A of the Code of Civil Procedure shall not apply to a tenure or holding attached in execution of a decree for arrears of rent.

Clause 37.—Under section 174, as at present framed, there is nothing to prevent a tenant from applying to have a sale set aside, by paying the decretal amount, and subsequently claiming, under section 311 of the Code of Civil Procedure, that the sale was invalid. It is clearly inequitable that the tenant should be allowed to have recourse to a double procedure in applying to have a sale set aside, and the proposed addition to section 174 will prevent this.

Clause 38.—The proposed amendment in clause (g) of section 178 is merely consequential upon clauses 2 and 15 of the Bill. It seems reasonable that proviso (iii) to section 178 should be extended to horticultural land, temporarily let out for the cultivation of ordinary crops. If a tenant is given a temporary lease of such lands, he should not be allowed to retain them after the expiry of the lease, on the plea that occupancy rights have accrued.

Clause 39.—The object of this clause is to counteract the effect of several rulings of the High Court, two of which are cited above in the note on clause 34, as to the nature of suits brought by co-sharer landlords for arrears of rent and as to the effect of decrees obtained in such suits. Their result is that—

- (1) suits in which co-sharer landlords sue for rent are not rent suits, but money suits;
- (2) the provisions of section 148 do not apply to them;
- (3) evidence in such suits cannot be recorded summarily;
- (4) a second appeal lies in them, while an appeal is barred in the case of a decree obtained by a sole landlord;
- (5) co-sharer landlords cannot sue for four years' rent as sole landlords can, under article 2 (b), Schedule III of the Act, and
- (6) decrees obtained in suits by co-sharer landlords can be executed within twelve years, instead of within three, as in the case of ordinary rent decrees.

Such results are anomalous and inconvenient, and the clause, the introduction of which has been recommended by the High Court, will have the effect of removing them.

Clause 40.—The object of this clause is to rectify an omission in the present Act, by giving the Government power to prescribe forms for use under the Act. It will also enable the Government to frame rules for dealing with forfeited fees.

Clause 41.—The object of this clause is to extend the provisions of section 191 to estates, which though originally permanently settled, have fallen into the hands of Government by escheat or otherwise, and have been let out on a temporary settlement. It has been held that such estates are excluded from the provisions of the section, as at present worded.

Clause 42.—This clause is intended to enable the Revenue Officer, in cases where a settlement of land revenue is being made, to fix a fair and equitable rent of his own motion for all lands, in respect of which the settlement of land revenue is being made. It sometimes happens that temporary settlement-holders, in the course of a settlement, fraudulently create fictitious rent-free holdings or holdings at low rates of rent, with the object of reducing the value of the estate and getting the revenue lowered. The revenue demand is fixed on a fair valuation of the lands of the estate, but unless fair and equitable rents are fixed, the settlement-holder may be unable to meet the demand, and the Government revenue may be endangered. It is considered necessary, therefore, that the Revenue Officer should have power to settle fair and equitable rents of his own motion, in cases where the settlement-holder has collusively lowered the rental demand, with the object of preventing a new settlement being made on a fair revenue.

Clause 43.—This clause gives effect to the provisions of clause 2, so far as they amend section 45, and removes the anomaly now existing (see I. L. R., 17 Calc., 930) as regards limitation between suits brought by an occupancy and a non-occupancy raiyat to recover possession of land from which they have been dispossessed by, or with the connivance of, their landlords. At present the former has two, and the latter twelve years within which to bring such a suit. It is proposed that the limit of two years should apply to both.

There is no reason why the period of limitation for the recovery of possession of land by an under-raiyat should not be the same as that provided in article 3 in the case of a raiyat, *viz.*, two years from the date of dispossession. At present the period of limitation in the case of an under-raiyat is twelve years. The amendment proposed will place both raiyats and under-raiyats on the same footing.

THE BENGAL LOCAL SELF-GOVERNMENT
(AMENDMENT) BILL, 1906.

A

BILL

to amend the Bengal Local Self-Government Act of 1885.

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THE BENGAL LOCAL SELF-GOVERNMENT
(AMENDMENT) BILL, 1906.

A

BILL

to amend the Bengal Local Self-Government Act of 1885.

WHEREAS it is expedient to amend the Bengal Local Self-Government Act of 1885 in manner hereinafter appearing;

Beng. Act III
of 1885.

It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Bengal Local Self-Government (Amendment) Act, 1907.

(2) It shall extend to all the territories subject to the Lieutenant-Governor of Bengal in which the Bengal Local Self-Government Act of 1885 is in force.

Rerel. of portions of
Bengal Act III of 1885.

2. The following portions of the Bengal Local Self-Government Act of 1885 are hereby repealed, namely:

Rer. Act III
of 1885.

in section 1, the words "or of the districts of Singhbhum, the Sonthal Parganas or the Chittagong Hill-tracts";

the proviso in section 6;

section 16;

clause (c) of section 18;

section 24;

the last paragraph of section 25;

section 34;

section 72;

the proviso to section 73, and

in section 103, the words "A Local Board shall exercise powers of supervision and control over all Union Committees within the area under its authority, and".

Addition to section 5.

3. To section 5 of the said Act, the following shall be added, namely:—

"and 'sanitation' includes water-supply."

Amendment of sections 7, 11 and 15.

4. (1) In section 7 of the said Act, after the figures "22" the words and figures "section 23A or section 29" shall be inserted.

(2) For the words "Lieutenant-Governor," where they occur in the sixth paragraph of section 7, in section 11, and in the first paragraph of section 15 of the said Act, the word "Commissioner" shall be substituted.

New section 10.

5. For section 10 of the said Act, the following shall be substituted, namely:—

"10. If within the time prescribed by rules made by the Lieutenant-Governor under this Act, the prescribed proportion of elected members of any District Board or Local Board is not duly elected, the Commissioner may appoint members to make up that proportion."

Power to appoint members of District or Local Board, if prescribed proportion not duly elected.

The Bengal Local Self-Government (Amendment) Bill, 1906.
(*Clauses 6-9.*)

Amendment of section 17. 6. In section 17 of the said Act, for the words "Lieutenant-Governor" and for the word "Commissioner," in both places in which they respectively occur, the word "Commissioner" and the words "District Board," respectively, shall be substituted.

New section 18A. 7. After section 18 of the said Act, the following shall be inserted, namely:—

"18A. (1) The Commissioner may remove any member of a District Board or Local Board who, without an excuse which the Commissioner considers sufficient, absents himself from six consecutive meetings of the Board. [Cf. Ben. Act III of 1884, s. 20.]

(2) Any member so removed may appeal to the Lieutenant-Governor, whose decision shall be final."

New sections 19 and 19A. 8. For section 19 of the said Act, the following shall be substituted, namely:—

"19. (1) When the place of an elected member of a District Board or Local Board becomes vacant by his resignation, removal or death, a new member shall be elected, in accordance with the rules made by the Lieutenant-Governor under this Act, to fill the place: [Cf. Ben. Act III of 1884, s. 20.]

Provided that if, within the time prescribed by rules made by the Lieutenant-Governor under this Act, no new member is duly elected, the Commissioner may appoint a new member to fill the place.

(2) When the place of an appointed member of a District Board or Local Board becomes vacant as aforesaid, the Commissioner may appoint a new member to fill the place.

(3) No act of any District Board or Local Board, or of its officers, or of the Board in meeting, shall be deemed to be invalid by reason only of the fact that the number of members of the Board, at the time of the performance of the act, was less than the prescribed number.

"19A. (1) A member of a District Board or Local Board who has been appointed by official designation shall, subject to sections 17, 18 and 18A of this Act, and unless the Lieutenant-Governor otherwise directs, continue to be a member of the Board while he continues to hold the office to which such designation refers. [Cf. Ben. Act III of 1884, s. 19, last para.]

(2) A member of a District Board or Local Board who has been elected or appointed under section 19 shall, subject as aforesaid, hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office.

(3) In cases not provided for by sub-section (1) or sub-section (2) of this section, the term of office of a member of a District Board or Local Board shall be fixed by the Lieutenant-Governor by rules, which may provide for the retirement of members by rotation.

(4) An outgoing member of a District Board or Local Board may, if otherwise qualified, be re-elected or re-appointed."

Amendment of section 22. 9. In section 22 of the said Act, after the word "elected" the words "either by name or by virtue of his office" shall be inserted.

The Bengal Local Self-Government (Amendment) Bill, 1906.
(*Clauses 10-14.*)

New section 23A. 10. After section 23 of the said Act, the following shall be inserted, namely:—

“23A. If any District Board fails to elect a Chairman or Vice-Chairman within the time prescribed by rules made by the Lieutenant-Governor under this Act, the Lieutenant-Governor may appoint a Chairman or Vice-Chairman, as the case may be.”

Amendment of section 25. 11. In section 25 of the said Act,—

- (a) after the word “elected” the words “either by name or by virtue of his office” shall be inserted; and
- (b) for the words “Lieutenant-Governor,” in the first, second, fourth and fifth places in which they occur, the word “Commissioner” shall be substituted.

New sections 26 and 26A. 12. For section 26 of the said Act, the following shall be substituted, namely:—

“26. (1) Every Local Board shall, from time to time, within a period prescribed by rules made by the Lieutenant-Governor under this Act, elect one of its members to be Vice-Chairman.

(2) If any Local Board fails to elect a Vice-Chairman within such period, the Commissioner may appoint a Vice-Chairman.

“26A. A District Board or Local Board may grant leave of absence to their Chairman or Vice-Chairman for any period not exceeding three months in any one year.”

Amendment of section 27. 13. In section 27 of the said Act, for the words “to the Lieutenant-Governor, and on such resignation being accepted,” the following shall be substituted, namely:—

“in the case of a Chairman of a District Board, to the Lieutenant-Governor, and, in the case of a Chairman of a Local Board, to the Commissioner; and, on such resignation being accepted by the Lieutenant-Governor or Commissioner, as the case may be.”

New sections 29 and 29A. 14. For section 29 of the said Act, the following shall be substituted, namely:—

“29. (1) If a Chairman of a District Board dies, resigns, is removed, becomes incapable of acting, or avails himself of leave granted under section 26A, the Lieutenant-Governor may appoint a new Chairman, or may direct that, within a period prescribed by rules made by the Lieutenant-Governor under this Act, a new Chairman be elected by the members of the Board from among their own number, subject to his approval.

(2) If a Chairman of a Local Board or a Vice-Chairman of a District Board or Local Board dies, resigns, is removed, becomes incapable of acting, or avails himself of leave granted under section 26A, the Board shall, at a special meeting held for the purpose within a period prescribed by rules made by the Lieutenant-Governor under this Act, elect from among its members a new Chairman or Vice-Chairman, as the case may be.

(3) If any District Board or Local Board fails to elect a new Chairman or Vice-Chairman within the prescribed period, the Lieutenant-Governor (in the case of a District Board) or the Commissioner (in the case of a Local Board) may appoint a new Chairman or Vice-Chairman, as the case may be.

The Bengal Local Self-Government (Amendment) Bill, 1906.

(Clauses 15-17.)

“29A. (1) The term of office of an elected Chairman or Vice-Chairman of a District Board or Local Board, or of an appointed Vice-Chairman of a District Board or Chairman or Vice-Chairman of a Local Board, shall, subject to sections 27 and 28 of this Act, be the residue of his term of office as a member of the Board.

[*Cf. Ben. Act III of 1885, s. 24; s. 25, last para.; s. 26, second para.; and s. 29, third para.*]

(2) The term of office of an appointed Chairman of a District Board shall, subject as aforesaid, be one year from the date of his appointment; but he may be re-appointed on the expiration of that term.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the term of office of a Chairman or Vice-Chairman appointed or elected to fill a casual vacancy consequent upon the grant of leave under section 26A shall expire upon the return from leave of the person whose office he was appointed or elected to fill.

[*Cf. Ben. Act III of 1884, s. 27.*]

(4) Every appointed Chairman of a District Board shall be deemed to be a member of the Board during his term of office.”

Amendment of section 32.

15. In section 32 of the said Act,—

(a) for the words “Every District Board, and every Local Board with the sanction of the District Board,” the following shall be substituted, namely:—

“Any District Board, with the sanction of the Commissioner and subject to the control of the Lieutenant-Governor, and any Local Board, with the sanction of the District Board and of the Commissioner and subject to the control of the Lieutenant-Governor”;

(b) for the words “leave, suspension and removal,” in clause (g), the words “leave, leave allowance and punishment (including suspension and removal)” shall be substituted;

(c) after the words “and may” the words “with the like sanction and subject to the like control” shall be inserted; and

(d) for the concluding paragraph the following shall be substituted, namely:—

“All rules made under this section, and all orders repealing or altering any such rules, shall be published in such manner as the Lieutenant-Governor may direct; and, so far as they are consistent with this Act and with any rules made by the Lieutenant-Governor hereunder, shall, upon such publication, have the force of law.”

Amendment of section 33.

16. In section 33 of the said Act, after the words and figures “under section 30” the following shall be inserted, namely:—

“or by an Education Committee referred to in section 65B.”

New section 35.

17. For section 35 of the said Act, the following shall be substituted, namely:—

“35. A District Board may, from time to time, with the sanction of the Commissioner and subject to Pensions and gratuities to be paid out of the District Fund, make rules for pensions and gratuities to be granted and paid out of the District Fund to its establishment and to the families of deceased employés; and may with the like sanction, and subject to the like control, repeal or alter such rules.”

The Bengal Local Self-Government (Amendment) Bill, 1906.

(Clauses 18-22.)

New section 35A

18. After section 35 of the said Act, the following shall be inserted, namely:—

“35A. A District Board may, from time to time, with the <sup>[C. Ben. Act
111 of 1884, s.
47.]</sup> sanction of the Commissioner and subject to the control of the Lieutenant-Governor, make rules—

- (a) for the creation and management of a Provident Fund;
- (b) for compelling members of their establishments to make contributions to such Fund;
- (c) for supplementing such contributions by grants from the District Fund; and
- (d) for the payment of moneys out of such Provident Fund;

and may, with the like sanction and subject to the like control, repeal, add to, or alter such rules.”

Amendment of section 36.

19. In the proviso to section 36 of the said Act, before the words “Local Board” the words “District Board, or” shall be inserted, and before the word “subordinate,” the words “for the purposes of this section” shall be inserted.

New section 41A.

20. After section 41 of the said Act, the following shall be inserted, namely:—

“41A. Every Union Committee shall, from time to time, Chairman of Union elect one of its members to be Chairman of the Committee.”

Amendment of section 44.

21. In section 44 of the said Act,—

- (a) for the words “the Local Board to which it is subordinate as hereinafter provided,” the words “the District Board or Local Board to which the Committee is, for the purposes of this section, subordinate” shall be substituted, and
- (b) for the words “the Local Board,” the words “the aforesaid District Board or Local Board” shall be substituted.

New sections 46A to 46F.

22. After section 46 of the said Act, the following shall be inserted, namely:—

“46A. If at any time it appears to the Lieutenant-Governor that a District Board is unable—
Power to impose a rate to meet payments due in respect of a railway or tramway.

[C. Mad.
Act V of 1884,
s. 57, cl. (ii),
inserted by
Mad. Act VI
of 1890, s. 47.]

- (a) to make any payment of interest or capital in respect of a loan raised under section 50 for the purpose of constructing and maintaining a railway or tramway under the provisions of section 80, or
- (b) to make any payment guaranteed under section 82 in respect of a railway or tramway,

without effecting such a reduction of its ordinary expenditure as would, in the opinion of the Lieutenant-Governor, prevent the Board from efficiently maintaining the existing communications in the district, or from carrying out any other duty which is imposed on the Board by law or which the Board has undertaken to perform,

the Lieutenant-Governor may, by notification for the purpose of providing the required funds, impose a rate on the annual value of lands as defined in section 4 of the Cess Act, 1880.

[C. Ben.
Act IX of 1880,
s. 6.]
Ben. Act IX
of 1880.

The Bengal Local Self-Government (Amendment) Bill, 1906.

(Clauses 23-25.)

“46B. The amount of any rate imposed under section 46A for the purpose of making any payment Amount of such rate. shall be so fixed as to yield approximately no more than the amount required for making that payment, and shall not exceed three pies on every rupee of the annual value of the lands on which the rate is imposed.

“46C. The procedure prescribed by and under the Cess Act, <sup>Ben. Act IX
of 1880.</sup> 1880, for the assessment, payment and Assessment, payment and recovery of road cess and public works cess shall, so far as may be, and subject to the provisions of sections 46A and 46B, apply to the assessment, payment and recovery of any rate imposed under section 46A.

“46D. The Lieutenant-Governor may, from time to time, by Power to exempt lands notification exempt all or any lands in any from payment of such local area from payment of any rate imposed rate. under section 46A.

“46E. The proceeds of any rate imposed under section 46A for the purpose of making any payment Application of pro- shall be utilised solely for the purpose of ceeds of such rate. making that payment.

“46F. Whenever the proceeds of any rate imposed under Cessation of levy of section 46A are sufficient for making every rate when required sum payment on account of which the rate was collected, the levy of the rate shall cease.”

^{Addition to section 48.} 23. To section 48 of the said Bengal Local Self-Government <sup>Ben. Act III
of 1885.</sup> Act of 1885, the following shall be added, namely:—

“Explanation.—Alterations or modifications may be made or directed by the Commissioner under this section on any of the grounds mentioned in the penultimate paragraph of section 47.”

^{Addition to section 50.} 24. To section 50 of the said Act, the following shall be added, namely:—

“Provided that no loan shall be raised for the purpose of constructing and maintaining a railway or tramway under the provisions of section 80, unless— <sup>[Cf. the pro-
posed addition
to s. 80, post.]</sup>

- (a) it is authorized by a resolution which has been passed at a meeting specially convened for the purpose and in favour of which a majority of not less than two-thirds of the members of the District Board have voted, and
- (b) such resolution declares the assent of the said majority to the imposition of a rate under section 46A in the circumstances stated in that section.”

<sup>Amendment of sec-
tion 52.</sup> 25. (1) For clause (3) of section 52 of the said Act, the following shall be substituted, namely:—

“(3) all sums directed by notification under the Cattle-trespass Act, 1871, section 31, to be placed to the credit of the Fund.” ^{I of 1871.}

(2) After clause (5) of the said section 52, the following shall be inserted, namely:—

“(5a) all receipts accruing within the district from tolls or leases under Part III D (1) of this Act.”

(3) After clause (7) of the same section, the following shall be inserted, namely:—

“The proceeds of any rate imposed under section 46A, shall be placed to the credit of the District Fund, under a separate head.”

The Bengal Local Self-Government (Amendment) Bill, 1906.

(Clause 26.)

Amendment of sec-
tion 53.26. (1) In clause *Fourthly* of section 53 of the said Bengal Local Self-Government Act of 1885, after the figures "35" the following words, figures and letter shall be inserted, namely:—

"and of any grants made for supplementing contributions by members of such establishments to any Provident Fund created under section 35A."

(2) For clause *Fifthly* of the same section, the following shall be substituted, namely:—

"*Fifthly*.—To the payment of—

(a) expenses incurred by the District Board in—

(i) the construction, repair and maintenance of any works which may become vested in, or be placed under the control and administration of, such Board under Part III of this Act;

(ii) the acquisition of land for, and the construction of, offices for the use of the District Board, or a house for the residence of the District Engineer; and

(iii) the performance of duties imposed by this Act; and

(b) any contribution made by the District Board under Part III of this Act; and

(c) any sums assigned by the District Board to a Local Board or Union Committee under this Act."

(3) In clause *Sixthly* of the same section, for the words "of the travelling expenses incurred by members of the District Board in attending meetings of the Board or meetings of a Joint Committee," the following shall be substituted, namely:—

"(a) of travelling expenses incurred by delegates of the District Board in attending meetings convened under the rules made by the Lieutenant-Governor in pursuance of sub-section (4) of section 1 of the Indian Councils Act, 1892, for the purpose of recommending a person to be nominated as a member of the Lieutenant-Governor's Council;

(b) of travelling expenses incurred by members of the District Board in attending meetings of the Board or meetings of a Joint Committee; and

(c) in such cases, if any, as the Lieutenant-Governor may direct, of travelling expenses incurred by members of the District Board or any Local Board in performing journeys for carrying out other objects of this Act."

(4) In proviso (1) to the said section 53, after the word "that" the words and figures "except as is provided in section 99A" shall be inserted.

The Bengal Local Self-Government (Amendment) Bill, 1906.

(Clauses 27-33.)

Amendment of section 56. 27. For clause (1) of section 56 of the said Bengal Local Self-Government Act of 1885, the following shall be substituted, Ben. Act III of 1885. namely:—

“(1) all sums directed by notification under the Cattle-trespass Act, 1871, section 31, to be placed to the credit of the Fund.” I of 1871.

Amendment of section 58. 28. In section 58 of the said Bengal Local Self-Government Act of 1885, for the words “Local Board” the words “District Board” shall be substituted. Ben. Act III of 1885.

Amendment of section 59. 29. In section 59 of the said Act, for the letter “D” the letter, figure and brackets “D (1)” shall be substituted.

New section 61. 30. For section 61 of the said Act, the following shall be substituted, namely:—

“61. Every District Board shall perform such functions as may be transferred to it by notification under the Cattle-trespass Act, 1871, section 31.” I of 1871.

Addition to section 63. 31. To section 63 of the said Bengal Local Self-Government Act of 1885, the following shall be added, namely:— Ben. Act III of 1885.

“or may make grants in aid of any such schools, whether the same be under public or private management.”

New section 64A. 32. After section 64 of the said Act, the following shall be inserted, namely:—

“64A. The District Board may, subject to any rules made by the Lieutenant-Governor under this Act,—

(a) provide buildings to be used as students’ hostels in connection with schools for the maintenance and management of which the Board is responsible under section 62 or section 63, and maintain and manage such hostels, or

(b) make grants in aid of any school referred to in section 63 or section 64, or any other school, college or educational institution, for the purpose of providing buildings to be used as students’ hostels in connection with such school, college or institution, or for the purpose of maintaining and managing such hostels.”

Amendment of section 65. 33. In section 65 of the said Act, for the words “the improvement of primary schools within the district under private management,” the following shall be substituted, namely:—

“(a) the improvement of any schools or class of schools within the district under private management, or

(b) the maintenance or improvement of any schools or class of schools maintained and managed by the District Board, or

(c) the provision of buildings to be used as students’ hostels in connection with any school referred to in section 64, or in clause (a) or clause (b) of this section, or any other school, college or educational institution, and the maintenance and management of such hostels.”

The Bengal Local Self-Government (Amendment) Bill, 1906.

(Clausess 34-39.)

New sections 65A and 65B. 34. After section 65 of the said Act the following shall be inserted, namely :—

“ 65A. The hostels referred to in sections 64A and 65 may be situated either within the area directly subject to the authority of the District Board, or within any place or town lying within that area in which the Bengal Municipal Act, 1884, is for the time being in force.

“ 65B. (1) Every District Board shall appoint, to be members of an Education Committee,—

- (a) three members of the District Board, and
- (b) not more than three residents of the district not being members of the District Board.

(2) The Deputy Inspector of Schools also shall be a member of such Committee *ex-officio*.

(3) The appointment of any person referred to in clause (b) of sub-section (1) to be a member of an Education Committee shall be subject to the approval of the Commissioner.

(4) It shall be the duty of an Education Committee, subject to the control of the District Board and to any rules made by the Lieutenant-Governor under section 138,—

- (i) to superintend all matters connected with the finances, accounts, maintenance and management of all schools maintained by the District Board, and
- (ii) to determine the conditions to be complied with when grants are made by the District Board in aid of other schools.

(5) Nothing in the foregoing sub-sections shall apply to schools referred to in section 64.”

Addition to section 35. To section 67 of the said Act the following shall be added, namely :—

“ A District Board may also provide for—

- (a) the training and employment of medical and veterinary practitioners; and
- (b) the promotion of free vaccination.”

Addition to section 36. To section 70 of the said Act the following shall be added, namely :—

“ or defray the expenses of any such inhabitants for journeys to and from any hospital established in any part of British India for the treatment of special diseases.”

Amendment of section 37. In section 73 of the said Act, after the words “for the purposes of this Act” the words and figures “but subject to the provisions of Chapter III of Part III thereof” shall be inserted.

New section 78A. After section 78 of the said Act the following shall be inserted, namely :—

“ 78A. The District Board may, with the sanction of the [Cf. Ben. Act Power to turn, divert, Commissioner, turn, divert, discontinue or III of 1899, a. discontinue or close road. permanently close any road which is under 354 (e).] the control and administration of, or is vested in, the District Board.”

Amendment of section 39. (1) In section 82 of the said Act, for the words “Lieutenant-Governor” the words “Governor General in Council” shall be substituted.

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(Clauses 40, 41.)

(2) To the same section the following shall be added, namely:—

“Provided that no application for the said sanction shall be made, in the case of a railway or tramway, unless—

[Cf. Mad. Act V of 1884, s. 58, proviso, added by Mad. Act VI of 1900, s. 48.]

- (a) it is authorized by a resolution which has been passed at a meeting specially convened for the purpose and in favour of which a majority of not less than two-thirds of the members of the District Board have voted; and
- (b) such resolution declares the assent of the said majority to the imposition of a rate under section 46A in the circumstances stated in that section.”

Addition to section 40. To section 86 of the said Act the following shall be added, namely:—

“and the power of the District Board to make any contribution under section 79 shall be subject to any rules, made by the Lieutenant-Governor under this Act, prescribing conditions precedent to the making of such contribution.”

41. After section 86 of the said Act the following shall be inserted, namely:—

“D(1).—*Tolls on Bridges.*

“86A. The District Board, with the sanction of the Lieutenant-Governor, may establish a toll-bar [Cf. Ben. Act III of 1884, ss. 158, 159 (1).] Power of District Board to establish toll-bars and levy tolls on bridges.

on any bridge in the district which was constructed out of the District Fund and the construction of which was completed after the commencement of the Bengal Local Self-Government (Amendment) Act, 1907, or

at any place in the district, adjacent to any such bridge, at which tolls may conveniently be levied;

and may levy tolls at such toll-bar on vehicles and animals passing over such bridge:

Provided as follows:—

(1) no toll-bar shall be established, or tolls levied, otherwise than for the purpose of recovering—

- (a) the expenses incurred in constructing such bridge;
- (b) interest on such expenses, at the rate of four *per centum per annum*, and
- (c) the capitalised value of the estimated cost of maintaining such bridge, and of renewing it, if it requires periodical renewal;

(2) no toll-bar shall be established, or tolls levied, on or in respect of any bridge, the cost or estimated cost of which, as indicated in clauses (a), (b) and (c) of proviso (1), was or is less than five thousand rupees.

“86B. The District Board may grant a lease, for any period [Cf. Ben. Act III of 1884, s. 164.] not exceeding three years, of any toll-bar established under section 86A of this Act.

“86C. (1) The following persons and things shall be [Cf. Ben. Act III of 1884, s. 168.] exempted from payment of tolls at any toll-bar established under section 86A of this Act, namely:—

- (a) Government stores, and persons in charge thereof;

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(Clause 41.)

- (b) police-officers, other public officers travelling on duty, District Board officers so travelling, persons in the custody of any of the officers aforesaid, property belonging to or in the custody of any of the officers aforesaid, and vehicles and animals employed by any of the officers aforesaid for the transport of such property;
- (c) conservancy carts and other vehicles and animals belonging to the District Board, and persons in charge thereof; and
- (d) any other class of persons or things which may be exempted by order of the District Board.

(2) In granting a lease of any toll-bar, the District Board may stipulate that any servants and property of the District Board and any other persons and things shall be exempted from payment of tolls thereat.

“86D. (1) When it has been determined that tolls shall be levied at any toll-bar established under section 86A of this Act, the District Board shall make and publish an order specifying the rates at which the tolls shall be levied.

(2) Such rates shall be subject to the sanction of the Commissioner, and may from time to time be varied with the like sanction.

“86E. (1) A table of such tolls, legibly printed or written in the vernacular of the district, shall be hung up in some conspicuous position near every such toll-bar, so as to be easily readable by all persons required to pay the tolls.

(2) In default of compliance with sub-section (1) of this section, the toll-collector, or the lessee of the toll-bar, as the case may be, shall be liable to fine which may extend to fifty rupees, and to a further fine which may extend to ten rupees for each day after the first during which the default continues.

“86F. The District Board, or the lessee of any toll-bar, may compound with any person for a certain sum to be paid by such person for himself, or for any vehicles or animals kept by him, in lieu of the rates specified under section 86D of this Act.

“86G. Any toll-collector or lessee of a toll-bar established under section 86A of this Act may refuse to allow any person to pass through the toll-bar until the proper toll has been paid.

“86H. Whoever, having driven through any such toll-bar any vehicle or animal which is not exempted from payment of toll, refuses to pay the toll, shall be liable to fine which may extend to fifty rupees.

“86J. If resistance is offered to any person authorized under this Chapter to collect tolls, any police-officer whom he may call to his aid shall be bound to assist him; and such police-officer shall, for that purpose, have the same powers as he has in the exercise of his ordinary police duties.

“86K. If any person authorized under this Chapter to collect tolls demands or takes any higher tolls than the tolls authorized under this Chapter, he shall be liable to fine which may extend to fifty rupees, and, in default of payment, to imprisonment for a term which may extend to one month.

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(Clauses 42-45.)

“86L. (1) When a toll-bar has been established and tolls have been levied, under section 86A of this District Board to publish expenses, etc., of Act in respect of any bridge, the District toll-bars. Board shall, at the end of each financial year, publish, by causing to be posted up at their office, an abstract account showing—

- (a) the amount of the expenses incurred in constructing the bridge;
- (b) the amount of interest which has accrued due on such expenses;
- (c) the capitalised value of the estimated cost of maintaining the bridge, and of renewing it, if it requires periodical renewal; and
- (d) the amount which has been received from the profits of the said toll-bar since its establishment.

(2) As soon as such expenses, interest, and capitalised value have been recovered as aforesaid, such toll-bar shall be removed, and tolls shall no longer be levied on such bridge.”

New section 88A.

42. After section 88 of the said Act the following shall be inserted, namely :—

“88A. A District Board may, with the sanction of the Lieutenant-Governor, contribute such annual power to contribute towards cost of municipal or other sum as may be agreed upon towards the cost of the construction, repair and maintenance, under the provisions of the Bengal Municipal Act, 1884, of water-works, wells or tanks within the district.”

Addition to section 99.

43. To section 99 of the said Bengal Local Self-Government Act of 1885, the following shall be added, namely :—

“(4) distribute such gratuitous relief, in the form of doles of money, as may be necessary.”

New section 99A.

44. After section 99 of the said Act the following shall be inserted, namely :—

“99A. It shall be lawful for a District Board, with the sanction of the Commissioner, to incur expenditure on irrigation works for relief of scarcity or famine, or any local irrigation work which may appear to it to be necessary for the purpose of preventing, or mitigating the effects of, scarcity or famine within its district :

Provided that no such expenditure shall be incurred unless such irrigation work has been sanctioned by the Lieutenant-Governor as a relief work in accordance with rules made under this Act.”

Amendment of section 100.

45. (1) In section 100 of the said Act, for the words “subject to any rules made by the Lieutenant-Governor” the words “subject to such rules and restrictions as the Lieutenant-Governor may from time to time prescribe” shall be substituted.

(2) After clause (3) of the same section the following shall be inserted, namely :—

“(3a) establish and maintain veterinary dispensaries for the reception and treatment of horses, cattle and other animals, and charge such fees for the use of such dispensaries as may from time to time be approved by the Commissioner;

(3b) appoint and pay qualified persons to prevent and treat diseases of horses, cattle and other animals;

(3c) provide for the improvement of the breed of horses, cattle and asses, and for the breeding of mules;

(3d) prescribe an annual fee, to be paid by owners of boats for a license to ply for hire on any river or water-channel which is under the control of the District Board; and appoint and pay an Inspector to issue such licenses and to supervise the boat traffic on such rivers and water channels, and”.

The Bengal Local Self-Government (Amendment) Bill, 1906.
(Clauses 46-53.)

Amendment of section 104.

46. In section 104 of the said Act, for the words "Local Board," in both places in which they occur, the words "District Board" shall be substituted.

Amendment of sections 105 to 107 and 117.

47. (1) In sections 105, 106, 107 and 117 of the said Act, for the words "Local Board," wherever they occur, the words "District Board" shall be substituted.

(2) In the said section 105, for the words "an estimate of the probable expenditure of the Committee" the words "an estimate of the probable receipts and expenditure of the Committee under each head of account" shall be substituted.

(3) To the said section 105 the following shall be added, [Cf. Ben. Act III of 1884, s. 76.]

namely:—
"Every estimate submitted under this section shall be subject to the sanction of the District Board, who may, before sanctioning any estimate, modify it as they may think fit."

(4) In the said section 107, after the words "village roads" the words "and bridges" shall be inserted.

(5) In the said section 117, for the words "drainage or water-supply" the words "or drainage" shall be substituted.

Amendment of section 108.

48. In section 108 of the said Act, after the word "roads," in both places in which it occurs, the words "and bridges" shall be inserted.

Amendment of section 109.

49. In section 109 of the said Act, after the words "village roads," where they first occur, the words "and bridges" shall be inserted.

Amendment of section 110.

50. In section 110 of the said Act,—

(a) for the words "Local Board," in the first and third places in which they occur, the words "District Board" shall be substituted, and

(b) for the words "Local Board," in the second place in which they occur, the words "District Board or of a Local Board" shall be substituted.

New section 111.

51. For section 111 of the said Act the following shall be substituted, namely:—

"111. Every Union Committee shall perform such functions as may be transferred to it by notification under the Cattle-trespass Act, 1871, section 31." [Cf. Ben. Act III of 1885, s. 111.]
Pounds.

New section 114.

52. For section 114 of the said Bengal Local Self-Government Act of 1885 the following shall be substituted, namely:— [Cf. Ben. Act III of 1885.]

"114. A Union Committee shall, if required to do so by the Magistrate of the district, provide for the registration of births and deaths within the Union, and shall submit such returns thereof as the said Magistrate may direct." Registration of births and deaths.

New section 118.

53. For section 118 of the said Act the following shall be substituted, namely:—

"118 (1). A Union Committee may provide the Union or any part thereof with a supply of water proper and sufficient for public and private purposes; and for the purposes of this section, may— [Cf. 38 & 39 Vict., c. 55, s. 51; 56 & 57 Vict., c. 73, s. 8.]
Water-supply.

(a) construct, repair and maintain tanks or wells, clear out streams or water-courses, and do any other necessary acts;

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(*Clauses 54-56.*)

- (b) with the sanction of the District Board, purchase or acquire by lease any tank, well, stream or water-course, or any right to take or convey water, within or without the Union;
- (c) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water-course within the Union, or provide facilities for obtaining water therefrom;
- (d) deal with any tank, well, pool, ditch, drain or place containing, or used for the collection of, any drainage, filth, stagnant water or matter likely to be prejudicial to health—by draining or cleansing it, or otherwise preventing it from being prejudicial to health, but so as not in any case to interfere with any private right; or
- (e) contract with any person for a supply of water.

(2) When a Union Committee has, under clause (c), with the consent of the owner, cleansed or repaired, or provided facilities for obtaining water from, any tank, well, stream or water-course, the same shall, subject to any rights retained by the owner with the concurrence of the Committee, be reserved for drinking purposes, and shall be kept open to access by the public.

(3) Any tank, well, stream or water-course which a Union Committee may construct, repair or maintain under clause (a), or purchase or acquire by lease under clause (b), shall remain under the control and administration of the Union Committee; and the Committee may, by order duly published in the village or villages in which such tank, well, stream or water-course is situated, set apart the same, or subject to the provisions of clause (c), any other tank, well, stream or water-course within the Union, for the supply of water for drinking and culinary purposes.

New section 119.

54. For section 119 of the said Act the following shall be substituted, namely:—

“ 119. (1) Notwithstanding anything in the foregoing provisions of this Act, the District Board to subordinate Union may, by order in writing, with the sanction of the Committee to Local Board of the Commissioner, direct that any specified Union Committee shall act as the agent of, and shall be subject to the control of, a Local Board, instead of the District Board, either for all purposes or for the purposes specified in the order.

(2) Any order made under sub-section (1) may, with the like sanction, be revoked.

(3) So long as an order made under sub-section (1) with respect to any Local Board continues in force, the references to the District Board in the foregoing sections of this Act shall, so far as may be necessary, be read as if made to such Local Board.”

Amendment of sec.
tion 130.

55. (1) In the first paragraph of section 130 of the said Act,—

- (a) after the figures “124” the figures “125” shall be inserted, and
- (b) for the words “by the Local Board” the words “by the District Board or Local Board to which the Committee is, for the purposes of this section, subordinate” shall be substituted.

(2) In the third paragraph of the same section, after the words “Local Board” the words “or Union Committee” shall be inserted.

Amendment of sec.
tion 131.

56. In section 131 of the said Act, after the words “Local Board,” in both places in which they occur, the words “or Union Committee” shall be inserted.

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(*Clauses 57-59.*)

Amendment of section 132.

57. In section 132 of the said Act,—

- (1) after the words "Local Boards," in the first four places in which they occur, the words "or Union Committee" shall be inserted, and
- (2) after the words "the Board," in the second place in which they occur, the words "or Committee" shall be inserted.

New section 133.

58. For sections 133 and 134 of the said Act the following shall be substituted, namely:—

"133. (1) If a dispute arises between two or more Union Committees which are, for the purposes of this section, subordinate to the same District Board or Local Board, the matter shall be referred to such Board, and the decision of the Board thereon shall be final and binding.

(2) If a dispute arises between two or more Union Committees within the same district, and such Committees are not all, for the purposes of this section, subordinate to the same Local Board, the matter shall be referred to the District Board, and the decision of the District Board thereon shall be final and binding."

Amendment of section 138.

59. (1) To clause (a) of section 138 of the said Act the following shall be added, namely:—

"and determining the authority who shall decide disputes relating to such elections." [Cf. Ben. Act III of 1884, s. 15.]

(2) In clause (f) of the same section for the word "immediate" the word "intermediate" shall be substituted.

(3) To clause (g) of the same section the following shall be added, namely:—

"and declaring what circumstances shall be a disqualification for continuance of employment under that section."

(4) After clause (h) of the same section the following shall be inserted, namely:—

"(h1) prescribing the conditions on which a house may be built by the District Board for the residence of the District Engineer, and the terms on which the District Engineer may be required to occupy the same;"

(5) After clause (j) of the said section 138 the following shall be inserted, namely:—

"(jj) prescribing the powers and duties of Education Committees, and regulating the removal from office of members referred to in sub-section (1) of section 65B."

(6) To clause (k) of the same section the following shall be added, namely:—

"the training and employment of medical and veterinary practitioners, and the promotion of free vaccination."

(7) To clause (m) of the said section 138 the following shall be added, namely:—

"and prescribing conditions precedent to the making of any contribution under section 79."

(8) After clause (m) of the same section the following shall be inserted, namely:—

"(mm) prescribing, for the purposes of section 86A of this Act, the mode of ascertaining the capitalised value of the estimated cost of maintaining bridges and of renewing any bridge which requires periodical renewal, and the mode of determining what class of bridges requires periodical renewal."

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(Clauses 60-63.)

(9) After clause (o) of the said section 138 the following shall be inserted, namely :—

“(o1) regulating the duties of District Boards in regard to famine relief.”

(10) In clause (p) of the same section, after the word “animals” the following shall be inserted, namely :—

“the establishment and maintenance of veterinary dispensaries, the appointment and payment of qualified persons to prevent and treat diseases of horses, cattle and other animals, the improvement of the breed of horses, cattle and asses, the breeding of mules, the issue of licenses for, and the supervision of, boat traffic on rivers and water-channels under the control of District Boards.”

(11) After clause (q) of the same section the following shall be inserted, namely :—

“(q1) regulating conservancy in Unions, defining and prohibiting public nuisances in Unions, and directing that the breach of any rule made under this clause shall be punishable with fine which may extend to ten rupees.”

Amendment of section 139.

60. In section 139 of the said Act,—

(a) before the words “make by-laws” the words “subject to the control of the Lieutenant-Governor” shall be inserted; and

(b) for the words “confirmed by the Lieutenant-Governor” the words “confirmed by the Commissioner” shall be substituted.

Amendment of section 142.

61. In section 142 of the said Act, before the words “or Union Committee” the words “Local Board” shall be inserted.

Addition to section 144.

62. To section 144 of the said Act the following shall be added, namely :—

“Nothing in this section shall apply to the payment of fees to a vakil or pleader for services rendered by him in his professional capacity.”

Amendment Schedule III.

63. In the heading to the Third Schedule to the said Act, for the words “Districts in every sub-division of which a Local Board shall be established” the words “Districts in which the elective system is in force for the nomination of members of the Local Board” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make various amendments in the Bengal Local Self-Government Act, III of 1885, for the following purposes, namely :—

- (1) to delegate formally to Commissioners of Divisions certain powers which practically, though not nominally, are at present exercised by them;
- (2) to legalize the expenditure of the District Fund on tanks and wells which are not the property, or under the control of the District Board, and on minor works of irrigation;
- (3) to enable a District Board, by the imposition of a cess, to make payments of interest guaranteed, or repayment of a loan raised, in respect of a railway or tramway;
- (4) to impose tolls on newly-constructed bridges until the initial cost and the capitalised value of the cost of maintenance and renewal have been recovered;
- (5) to give legal authority to the practice now already in existence under which District Boards incur expenditure on veterinary objects;
- (6) to legalize the licensing of boats that ply for hire on any river or water channel under the control of the District Board;
- (7) to permit District Boards to contribute towards the construction and maintenance of hostels attached to private institutions of all kinds, and to enable the Government to transfer money to the District Board for that purpose;
- (8) to legalize expenditure of the District Fund on the construction of a residence for the District Engineer, and
- (9) to remove certain flaws and omissions in the Act which experience of its working has brought to light.

The amendments are explained in detail in the following notes.

NOTES ON CLAUSES.

Clause 2 repeals—

- (1) the words “or of the Districts of Singhbhum, the Sonthal Parganas, or the Chittagong Hill Tracts” in section 1. This repeal is required partly because one of these districts (Singhbhum) is now considered to be sufficiently advanced to be admitted to the benefits of Local Self-Government, and partly because the specific exception in the case of the Sonthal Parganas is now unnecessary, having been superseded by Regulation III of 1872, section 3 (as amended by Regulation III of 1899, section 3), while the Chittagong Hill Tracts no longer form part of this Province;
- (2) the proviso in section 6. The first portion of this proviso is entered for repeal in order to permit of the abolition of Sadar Local Boards, which experience has proved to be unnecessary and which have already been abolished in some districts in which the proviso does not stand in the way. The rest of the proviso assumes that a Union Committee cannot exist except where a Local Board has been created. This principle has been proved to be inconvenient and difficult of working. It is, therefore, proposed, by later clauses of the Bill, to subordinate Union Committees primarily to the District Board instead of the Local Board;
- (3) section 16, its provisions being embodied in a new section 19A ;
- (4) clause (c) of section 18, as being unnecessary in view of the new section 18A ;
- (5) section 24, its provisions being reproduced in amended form in a new section 29A ;
- (6) the last paragraph of section 25, its provisions being embodied in a modified form in the new section 29A ;
- (7) section 34, its provisions becoming unnecessary in view of the amendments made in section 22 (g) ;
- (8) section 72. The repeal of this section is necessary, as it will be superseded by the new section 114 which appears in clause 52 of the Bill. Section 14 as it now stands in the Act requires every Union Committee to provide for the registration of births and deaths, and to submit such returns as the Local Board may direct. But the registration of births and deaths is not, and never has been, under the Local Board, and it is not now contemplated that a Local Board, even if it possessed this power, should exercise, except by delegation, control over Union Committees. In point of fact the registration of vital statistics is carried out by the police under the control of the Magistrate, and there is no intention of transferring this work to District or Local Boards. In

the few rural areas (the colliery tracts of Burdwan and a portion of the Darjeeling district) in which Bengal Act IV of 1873 (which provides for the compulsory registration of births and deaths) has been brought into force, the District Magistrate, and not the District or Local Board, is and will continue to be the controlling authority. For these reasons it is proposed to alter section 114 so as to provide that a Union Committee shall register births and deaths only if required to do so by the District Magistrate;

- (9) the proviso to section 73. This proviso is rendered unnecessary by the amendment made in section 108 by clause 48 of the Bill;
- (10) the words in section 103 "A Local Board] These repeals are proposed as part shall exercise powers of supervision and [of the policy of subordinating control over all Union Committees, Union Committees to District within the area under its authority,] Boards rather than to Local and] Boards.

2. *Clause 3* declares that "sanitation" includes water-supply. This amendment is specially needed with reference to section 115, relating to the duties of Union Committees. The word "sanitation" is used in sections 87, 115, 117 and 138 (n). In section 117 water-supply is mentioned as if it were not included in "sanitation," and it is intended to amend that section.

3. *Clause 4, sub-clause (1)*, is consequential upon the new section 23A and the amendment in section 29.

4. *Clause 4, sub-clause (2)*, and clauses 5, 6 and 7 form part of the proposals for the delegation to the Commissioner of the Division of the powers at present vested in the Local Government, *viz.*, to appoint members of District and Local Boards under sections 7, 10, 11 and 15; to accept the resignation of a member of a District Board, and to remove a member absent without excuse. The powers in question are already, as a matter of practice, exercised in accordance with the recommendation of the Commissioner. This being so, it is important that the responsibility for the action taken should rest with those who in fact possess the powers.

5. *Clause 5* also amends section 10 of the Act, in order to provide for cases in which the members of a Local Board make default in electing representatives on the District Board, there being at present no legal means for dealing with such cases.

6. *Clause 8* introduces a new section 19 with the object of covering similar defects in by-elections, and a new section 19A, which reproduces the provisions of the existing section 16 and the latter portion of the existing section 19 as to duration of a member's term of office. The references in section 19A to sections 17, 18 and 18A (as to resignation and removal) are new, but are obviously required.

7. *Clause 9* amends section 22 so as to permit the election of Chairmen of District Boards by official designation in the case of districts in which the election of Chairmen is authorized.

8. *Clause 10* introduces a new section 23A to provide for cases of default in the election of a Chairman or Vice-Chairman of a District Board, the Lieutenant-Governor being empowered to intervene to fill the vacancy by making an appointment.

9. *Clause 11* amends section 25 of the Act so as to permit the election of Chairmen of Local Boards by official designation. The absence of such a provision gives rise to frequent difficulties in cases where the Chairman is the Sub-divisional Officer, when it often happens that his transfer or absence on short leave occasions an interregnum, prolonged by the almost inevitable delay on the part of the Board in carrying out the necessary formalities for appointing a successor or substitute. It is proposed that the power hitherto vested in the Lieutenant Governor should be delegated to the Commissioner of the Division for the reasons given in paragraph 4 of these notes.

10. *Clause 12* amends section 26 so as to provide for cases of default in the election of a Vice-Chairman of a Local Board, the Commissioner being empowered to intervene to fill the vacancy by making an appointment.

11. *Clause 12* also introduces a new section 26A to authorize the grant of leave to Chairmen and Vice-Chairmen of District and Local Boards.

12. *Clause 13* is intended to give the Commissioner of the Division power to accept the resignation of the Chairman of a Local Board. The reason for this amendment is given in paragraph 4 of these notes.

13. *Clause 14* substitutes a new section 29 providing for the filling of vacancies caused by grant of leave. It is proposed that the power of appointment on failure of a Board to elect a successor within a period to be prescribed by rules should be delegated to the Commissioner of the Division.

14. *Clause 14* further introduces a new section, 29A, which reproduces the provisions of sections 24, 25 (last paragraph), 26 (second paragraph), and 29 (third paragraph) of the existing Act, as to a Chairman's and Vice-Chairman's term of office, with the addition of a sub-section as to the term of office of a Chairman or Vice-Chairman acting for another who is on leave.

15. *Clause 15* introduces amendments which it is proposed to make in connection with the sanctioning of rules and by-laws under the Act in order to curtail routine correspondence. Model rules and by-laws are framed by the Government under the various sections of the Act. If a District Board desires to adopt any of these models as rules

made by itself, sanction is at once accorded by the Government as a matter of course, on the recommendation of the Commissioner of the Division. The amendments substitute the Commissioner of the Division for the Local Government as the sanctioning authority, but provide that the Commissioner's powers shall be exercised subject to the control of the Lieutenant-Governor. It is intended that this control shall only be exercised by the Local Government in cases where a District Board desires to modify any of the mole rules or to adopt any new rule or by-law. In such cases the approval of the Lieutenant-Governor will be necessary.

The addition of the words "leave allowances" in clause (g) is required in consequence of the repeal of section 34.

The words "punishment (including suspension and removal)" are substituted for the words "suspension and removal" in section 32, clause (g), in order to enlarge the scope of the section by legalising the imposition of penalties for minor offences or breaches of discipline.

16. Clause 16 makes an amendment which is consequential upon the proposed new section 65B.

17. Clause 17 will amend section 35 so as to give the Commissioner the power, hitherto vested in the Lieutenant-Governor, of sanctioning rules framed by a District Board as to pensions and gratuities, but subject to the control of the Lieutenant-Governor. At present a District Board has no power under the Act to make grants from the District Fund to the families of deceased employés though deserving cases at times arise. It is proposed to give this power subject to a like sanction and control.

18. Clause 18 introduces a new section authorizing District Boards to make rules for the creation and management of a Provident Fund. The adoption of the system of Provident Funds for employés of District Boards was approved in principle by the Government of India, while at the same time the absence of a specific provision of law authorizing the creation of such Funds was pointed out. On the introduction of the system, District Boards were instructed to act on the assumption that power would be taken at the first opportunity to give legal effect to it, and it is with this object that the enactment of clause 18 of the Bill is now proposed.

19. Clause 19 makes certain amendments in section 36 in pursuance of the policy of subordinating Union Committees and District Boards rather than to Local Boards.

20. Clause 20 provides for the election of a Chairman of a Union Committee, for which there is at present no provision of law.

21. Clause 21 makes certain amendments in section 44 in pursuance of the policy of subordinating Union Committees to District Boards rather than to Local Boards.

22. Clause 22 introduces new sections 46A to 46F, as to the levy of a rate to enable District Boards to pay sums guaranteed by them by way of interest on capital expended on railways or tramways or to pay interest on a loan taken for the construction of a railway or tramway and to gradually repay the amount borrowed. Clause 39 (2), introduces a proviso to section 82 to declare the procedure to be followed by District Boards before giving such guarantees, and clause 24, a proviso to declare the procedure to be followed before raising a loan. The Government of India have attached great importance to the introduction of District Boards into the field of railway enterprise. They have pointed out that there are many places in Bengal where light railways would prove of great service to local trade, and that District Boards would be the appropriate agency to further the development of the country by aiding the construction of such lines. Under existing conditions, however, there seems to be little hope of the assistance of District Boards being forthcoming in Bengal, as it is improbable that many District Boards would at any time have a sufficient surplus of income to enable them to embark on projects of the kind. In these circumstances, it was suggested that District Boards should be empowered to impose a special cess, to be utilised for the purpose of railway construction; and that section 57 (ii) and the proviso to section 58 of the Madras Local Boards Act, 1874, should be adopted so as to secure that the power to impose an additional tax should be purely permissive, and that it would rest with the District Board alone to take action. Clauses 22, 24 and 39 (2) have been inserted in the Bill to give a modified effect to these views. It is proposed that the Lieutenant-Governor should have power to exempt specified lands from the payment of the extra cess. This is provided for in the new section 46D.

23. Clause 23 adds an *Explanation* to section 48 with the object of making it clear that the Commissioner, in dealing with estimates framed by District Boards, is to have the same powers as the District Magistrate, as defined in section 47. The absence of an express declaration to this effect has given rise to practical difficulties.

24. Clause 24 is explained in the note on clause 22.

25. Clause 25 (1) amends section 52 (2) in order to bring it into closer accordance with the law as now contained in Act I of 1874, section 31, as amended by Act I of 1891.

26. Clause 25 (2) introduces an additional clause into section 52, which is necessitated by the new provisions [section 86A *et seq.*] relating to tolls on bridges.

27. Clause 25 (3) introduces an additional clause in section 52, which is necessitated by the new provisions [sections 46A *et seq.*] relating to the levy of a rate for payment of interest on capital expended on railways or tramways.

28. Clause 26 (1) is consequential upon the new section 35A which it is proposed to introduce by clause 18.

29. *Clause 26 (2) (a) (ii)* is intended to legalize the expenditure of the District Fund on the acquisition of land for, and the construction of, District Board offices and a residence for the District Engineer. Residences have already been constructed by several District Boards for their District Engineers, but the Government has been advised that under the Act as it now stands there is no sanction for the use of the District Fund for such an object.

30. *Clause 26 (2) (b)* is designed to meet the following difficulty:—Under the law as it now stands the District Fund may not be expended on the repair and maintenance of any works, unless these become vested in or are placed under the control and administration of the Board. The effect of this limitation has been to hamper the Boards considerably in their efforts to improve the water-supply. The owner of a tank or well, although willing to let the public use it, is often unwilling to part with its ownership. The proposed amendment will allow the Board to contribute towards improvement of such tanks or wells subject to conditions prescribed under the amended sections 86 and 138 (see paragraph 52 below).

31. *Clause 26 (2) (c)* is introduced with the object of legalizing the payment from the District Fund of sums assigned by the District Board to a Local Board or Union Committee. The power to make such payments, though contemplated throughout the Act, is nowhere clearly given by the Act as it now stands.

32. *Clause 26 (3)* amends section 53, clause *Sixthly*, with the objects of (1) extending to delegates of District Boards the concession granted by section 69 (2) of the Bengal Municipal Act, III of 1884, to Municipal Commissioners, as to travelling expenses for attending meetings in connection with the election of members for the Bengal Legislative Council; and (2) legalizing the payment from the District Fund of travelling allowance to members of District Boards and Local Boards in performing journeys for carrying out any of the objects of the Act.

33. *Clause 26 (4)* contains an amendment consequential upon the proposed new section 99A.

34. *Clause 27* amends section 56 (1) with the object explained in paragraph 25 above.

35. *Clause 28*.—The working of Union Committees under the control of the Local Boards has hitherto been far from satisfactory. In order to make them more efficient it is proposed to place them under the District Board. Amendments with the same object are proposed in Chapter III of Part III and in section 130.

36. *Clause 29* is necessitated by the additions made by clause 41.

37. *Clause 30* amends section 61 with the object explained in paragraph 25 above.

38. *Clause 31* makes an addition to section 63, in order to legalize the grant from the District Fund of contributions in aid of secondary schools in cases where they are not under the direct control of the District Board. It might have been supposed that the power already conferred by section 63 of undertaking the maintenance and management of schools under public management includes the minor power of assisting them with funds, but this view has been overruled. It is therefore contemplated to remedy the deficiency in the manner shown in this clause, and also to provide for the furtherance of education by taking power to authorize similar contributions to schools under private management.

39. *Clause 32* introduces a new section 64A. The Government is advised that, as the construction of a hostel cannot be considered to be a "local work likely to promote the health, comfort or convenience of the public" [vide section 100 (4) of the Act], the District Board cannot spend money on it, and that in any case such expenditure cannot be incurred unless the schools are vested in the Board under section 63 of the Act. It is expedient that measures should be taken to give District Boards the legal powers necessary to enable them to contribute towards the cost of constructing and maintaining hostels attached to colleges and schools whether such institutions are in District Board areas or within the limits of Municipalities. Almost all the colleges and most of the large schools are to be found within Municipal limits, but as the bulk of students who attend them come from outside, it is only right that the District Fund should contribute towards the requisite expenditure. It is accordingly proposed to amend the Act by adding a new section 64A, a new clause (c) in section 65, and a new section 65A.

40. *Clause 33 (a), (b)* has the object of removing a frequent source of complaint, viz., that at present the Government is unable to transfer funds to Boards for the purpose of subsidising Middle Schools, Technical Schools, Tols (Sanskrit Schools), *Muktabs* (Elementary Muhammadan Schools) or *Madrasahs* Secondary Muhammadan schools).

41. *Clause 33 (c)* is explained in paragraph 39 above.

42. *Clause 34* adds a new section 65A, which is explained in paragraph 39 above.

43. *Clause 34* also adds a new section 65B under which it is proposed to introduce into Bengal the system of School Committees, so successful in the Central Provinces, in encouraging and maintaining local interest in education. The Local Self-Government Act contains no provision expressly recognising such Committees. The object of sub clause (b) of sub-section (1) is to provide for the representation of all classes of the community, including important minorities or associations or specialists, who should have a voice in the educational policy of the district. The elected members of the District Board are interested no doubt in education no less than in all other matters entrusted to their care. It is thought desirable, however, to take advantage of the present occasion to offer additional representation to all sections of the public in respect of educational matters with the object of utilising all the public spirit which exists in the cause of education.

44. *Clause 35* makes an addition to section 67 with the object of empowering District Boards to devote a portion of their funds to their training and employment of medical

practitioners. The practice has for some time existed in Bengal, and the occasion of the amendment of the Act is taken to give it the authority of law.

45. The same provision is extended to the case of Veterinary Practitioners. Some time ago, when the Civil Veterinary Department in Bengal was in process of formation, District Boards were invited to co-operate, and were asked in particular to what extent they were prepared to utilize the services of paid Veterinary Assistants. It then came to notice that doubts prevailed whether, under section 100 of the Bengal Local Self-Government Act, District Boards were legally competent to contribute to veterinary measures, and it was further found that many of these bodies were disposed to rely on this legal difficulty as an excuse for declining to spend money in the manner suggested. The difficulty was reported to the Government of India, and that Government requested that, if there were any doubt whether local bodies, and especially District Boards, could legally contribute towards the maintenance of veterinary projects, the law might be amended in order to enable them to do so. The necessary additions have therefore been made to section 67 of the Act.

46. *Clause 35* also contains a provision empowering District Boards to spend money on the promotion of free vaccination. Though the licensed system of vaccination is generally in force throughout Bengal occasions at times arise on which District Boards find it necessary to employ paid vaccinators, subject to the supervision of the Civil Surgeon (who is the Superintendent of Vaccination in all districts), to operate free of charge. The law as it stands does not expressly authorize this procedure, but the difficulty is surmounted in practice by the expedient of permitting District Boards to devote funds to this object under the head "Medical." The necessary legal powers will be attained by sub-clause (b) of the proposed addition to section 67.

47. *Clause 36* has been inserted with the object of extending to servants of District Boards the concessions granted by the Government of India as to the treatment of Government servants at the Pasteur Institute at Kasauli.

48. *Clause 37* amends section 73 in order to prevent conflict between that section and sections 108 *et seq.* of the Act.

49. *Clause 38* is intended to supply a power to divert or close public roads which at present the District Board does not possess. It frequently happens that a District Board desires to straighten or re-align a public road to the great advantage of the public, but under the existing law they are unable to make over to the landlord the site of the existing road in exchange for the site of the proposed realignment.

50. *Clause 39 (1)* makes an amendment in section 82 of the Act. By that section the Local Government is empowered to permit District Boards to guarantee the payment of interest on capital expended on works of communication. But the Government of India have directed that, in view of the possibility of the liability for the fulfilment of such guarantees being ultimately shifted to Imperial revenues, guarantees should not be given without the previous sanction of the Government of India; and consequently all guarantees of the kind that may be given must, in existing circumstances, be regarded as subject to the sanction of the Governor General in Council. In view, however, of the importance of this requirement, the Government of India have expressed a desire that it should be placed on a statutory basis. The words "Lieutenant-Governor," in section 82 of the Act, have accordingly been replaced by the words "Governor General in Council."

51. *Clause 39 (2)* adds a proviso to section 82 as part of the new scheme of taxation which is explained in paragraph 22 above.

52. *Clause 40* will give power to prescribe by rules the conditions on which a District Board may make contributions towards the upkeep of private tanks, wells and other sources of water-supply (see paragraph 30 above). Such rules will direct that public money shall be expended only in cases where the owner has agreed to allow the public full use of the water for drinking purposes or for watering cattle. It is thought that this provision will sufficiently obviate the danger which exists in theory, that the District Board may use public money for the exclusive benefit of a private individual.

53. *Clause 41* introduces a series of new sections, numbered 86A to 86L, to authorize District Boards to impose tolls on newly-constructed bridges until the initial cost and the capitalised value of the cost of maintenance and renewal have been recovered. The principle is no new one in Bengal, being already embodied in the Bengal Municipal Act, III of 1884. The provisions contained in clause 27 of the Bill are in the main reproduced from sections 158 to 170 of the Municipal Act, with the omission of matter relating to tolls on roads. The following points may be noticed in connection with the proposed new sections.

54. *Section 86A.*—This has been drafted so as to confine the power of taking tolls to the case of bridges constructed out of the District Fund and completed after the commencement of the new law.

55. The rate of interest is in proviso (b) to section 86A put at 4 per cent. instead of as in the Municipal Act, 6 per cent. The latter Act reproduced a rate of interest in force more than 20 years ago.

56. *Proviso (2)* will prevent the levy of tolls on any but large bridges. It is estimated that the minimum cost of a bridge over a river requiring a ferry throughout the year is Rs. 5,000, and this limit is tentatively taken in the Bill.

57. *Section 86C* reproduces the provisions of section 168 of the Bengal Municipal Act, 1884, except the portions which were repealed by the Indian Tolls (Army) Act II of 1901. The exemptions from toll which are enacted by the latter Act will of course continue after the passing of the present Bill.

58. *Section 86H.* — Section 162 of the Bengal Municipal Act, 1884, declares that whoever, with intent to evade payment of toll, fraudulently avoids passing through a toll-gate shall be liable to fine. Such a provision may be suitable in a municipality and in the case of a toll-bar on a road (though its utility has not been tested), but it is liable to abuse in the mufassal, and can hardly be necessary when the toll-bar is on a bridge over an unfordable river. The section has therefore not been reproduced in the Bill.

59. Section 163 of the Bengal Municipal Act, 1884, provides that in case of non-payment of toll the vehicle or animal or any part of its burden may be seized and sold. This section is possible in a town, but would be very dangerous in the mufassal, where it would be difficult to supervise the action of the toll-bar-keeper. The section has therefore not been reproduced in the Bill. It is believed that sections 86G, 86H and 86J in the Bill will be sufficient to secure the due payment of tolls.

60. *Clause 42* introduces a new section, 88A, with the object of legalising contributions from the District Fund towards the improvement of the water-supply of municipalities situated within the district. The legality of such an allocation of District Funds formed the subject of a discussion in 1893, when a contribution was made for this purpose by the Shahabad District Board to the Municipality of Arrah. The Legal Remembrancer of the day decided in its favour, but it seemed that such an interpretation of section 88 might at any time be called in question, in view of the declaration in section 1 that the Act shall not extend to any place or town to which the provisions of the Bengal Municipal Act, 1884, have been extended. The object is clearly one to which a portion of the District Fund may very properly be diverted, seeing that a pure water-supply in a municipality is an advantage to the district in general. Section 88A has accordingly been framed with a view to preventing any dispute on the point, the contribution being made subject to the approval of the Local Government.

61. *Clause 43* amends section 99 so as to enable a District Board to distribute such gratuitous relief in the form of doles of money as may be necessary in times of famine or distress.

62. *Clause 44* is intended to carry out a suggestion by the Indian Irrigation Commission that District Boards should be permitted to carry out minor irrigation works sanctioned by the Lieutenant-Governor as relief works in times of scarcity or famine. It is intended that programmes of such works should be drawn up and approved beforehand in the same manner as programmes of other relief works. A corresponding amendment has been made in section 53.

63. *Clause 45* introduces new sub-clauses 3 (a), 3 (b) and 3 (c), in section 100, in order to legalize expenditure incurred by District Boards for veterinary purposes. This matter is explained in paragraph 45 above.

64. It is expedient that, where a District Board has obtained control of a river or canal, it should be empowered to impose a fee for the licensing of boats that ply for hire thereon as a contribution towards cost of control.

65. *Clauses 46 and 47* amend sections 104, 105, 106, 107 and 117 with the object of subordinating Union Committees primarily to the District Board instead of to the Local Boards.

66. *Clause 47 (3)* will enable a District Board to examine and modify, if necessary, the budget estimates of Union Committees.

67. *Clause 47 (5)* is explained in paragraph 2 above.

68. *Clauses 47 (4), 48 and 49* make certain additions to sections 107, 108 and 109 with the object of authorizing Union Committees to undertake, where necessary, and subject to the provision of the new section 119A, the construction, maintenance and repair of bridges situated within the Union.

69. *Clause 50* amends section 110 with the object stated in paragraph 65 above.

70. *Clause 51* amends section 111 with the object stated in paragraph 25 above.

71. *Clause 52* amends section 114, and provides that a Union Committee shall register births and deaths only if required to do so by the District Magistrate, who will continue to be the controlling authority — *see* paragraph 1 (8) above.

72. *Clause 53* has been introduced with the intention of extending to Union Committees the permission to spend money on the improvement of private sources of water-supply under conditions similar to those under which it is proposed (*see* paragraph 30 above) to allow District Boards to incur expenditure on the same object.

73. *Clause 54* provides for cases where it may be found expedient that a Union Committee should act as Agent and under the control of a Local Board instead of under a District Board.

74. *Clause 55* has as its object the giving of more control to the District Board over Union Committees.

75. *Clauses 56 and 57* are intended to give the Local Government the same control over Union Committees as it has over District Boards and Local Boards.

76. *Clause 58* introduces an amendment with the object stated in paragraph 65 above.

77. *Clause 59 (1)* extends the rule making power conferred by section 138 (a), so as to enable the Lieutenant-Governor to determine the authority who shall decide disputes concerning elections. The precedent followed in this case is that of section 15 of the Bengal Municipal Act, 1884, as amended by Bengal Act IV of 1894.

78. An extension of the power of the Local Government to make rules is also proposed in the same clause to enable the Government to declare what circumstances shall

be a disqualification for continuance of employment under section 33. Rules have been issued by the Government for regulating the retirement, under certain conditions, or District Engineers and other employés of District Boards on attaining the age of 55 years. The existing Act contains no definite authorization of such rules, and it is desirable to give them at the earliest opportunity a strictly legal basis. The clause is expressed in general terms in order that it may cover disqualifications, other than that of age—in-debtedness for example,—the rules on which subject do not definitely apply under the existing provisions of the law to officers paid from Local Funds.

79. Further, it is proposed that power should be given to make rules:—

- (i) declaring the intermediate offices through which correspondence must pass;
- (ii) laying down the terms and conditions under which a residence may be built for, and be occupied by, a District Engineer;
- (iii) prescribing the powers and duties of Education Committees;
- (iv) regulating the training and employment of medical and veterinary practitioners, the promotion of free vaccination and the establishment and maintenance of veterinary dispensaries;
- (v) prescribing the mode of ascertaining the capitalised value of the estimated cost of maintaining and renewing bridges;
- (vi) regulating the duties of District Boards in regard to famine relief;
- (vii) regulating the issue of licenses for, and the supervision of, boat traffic on rivers under the control of a District Board;
- (viii) regulating conservancy in Unions.

80. *Clause 60* is intended to amend the Act so as to give power to the Commissioners to confirm by-laws subject to the control of the Lieutenant-Governor. The reason is explained in paragraph 4 above.

81. *Clause 61* amends section 142 so as to remedy a verbal omission.

82. *Clause 62* is proposed in order to exclude pleaders, who are professionally engaged by a District Board of which they are members, from the operation of section 144 of the Act.

83. *Clause 63* amends the heading to Schedule III in consonance with the proposal to take power to abolish Sadar Local Boards, and brings it into accordance with the provisions of section 9 of the Act.

H. J. McINTOSH.

The 27th October, 1906.

CALCUTTA; }
The 13th November, 1906. }

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, AUGUST 22, 1906.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 18th August, 1906, at 11 A.M.

Present:

The Hon'ble Mr. F. A. SLACKE, Acting Lieutenant-Governor of Bengal, *presiding.*
The Hon'ble Mr. W. C. MACPHERSON, C.S.I.
The Hon'ble Mr. S. P. SINHA, Offg. Advocate-General of Bengal.
The Hon'ble Mr. R. W. CARLYLE, C.I.F.
The Hon'ble Mr. W. A. INGLIS.
The Hon'ble Mr. H. J. MCINTOSH.
The Hon'ble Mr. T. W. RICHARDSON.
The Hon'ble Mr. G. GORDON.
The Hon'ble Mr. J. CHAUDHURI, M.A.
The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.
The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.
The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.
The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.
The Hon'ble Mr. SYED SHURFUDDIN.
The Hon'ble Mr. W. T. SPINK.
The Hon'ble Mr. J. R. BERTRAM.
The Hon'ble BABU RADHA CHARAN PAL.

NEW MEMBERS.

The Hon'ble Mr. W. C. MACPHERSON, C.S.I., the Hon'ble Mr. H. J. MCINTOSH, the Hon'ble Mr. J. R. BERTRAM and the Hon'ble BABU RADHA CHARAN PAL took their seats in Council.

QUESTIONS AND ANSWERS.

THE PUSA AGRICULTURAL COLLEGE AND EXPERIMENTAL FARM.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to give the following information with regard to the staff employed in the Pusa Agricultural College and Experimental Farm:—

- (i) Names.
- (ii) Designation.
- (iii) Qualifications.
- (iv) Pay.
- (v) Allowance, if any?

The Hon'ble MR. CARLYLE replied:—

“The Pusa Agricultural College and Experimental Farm is under the management of the Government of India, and this Government has no information in regard to the staff employed.”

REPORT ON THE MARKET-RATES OF FOOD-GRAINS, &c.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state the agency employed to ascertain and report the market-rates of food-grains, &c., published weekly in the Calcutta Gazette?

Is the Government aware that the rates so published in the Calcutta Gazette are not always the actual prevailing rates in the market?

If the Government is not aware of the fact, will it be pleased to institute an enquiry into the matter, and, if upon enquiry the reports are found inaccurate and defective, will the Government be pleased to state what action it proposes to take in the matter so as to ensure more accurate reports in the future?

The Hon'ble MR. CARLYLE replied:—

“The figures published each week in the Calcutta Gazette are obtained from the weekly weather and crop reports, which are submitted by the District Officers.

“Under the existing rules, in districts in which the Bengal Tenancy Act is in force, the prices are ascertained by a Gazetted officer not below the rank of a Sub-Deputy Collector, unless the Divisional Commissioner, for special reason, authorises the employment of a Kanungo. In other districts the District Officer exercises his discretion in selecting an officer for this duty.

“In a few cases it has come to the notice of Government that the rules had not been strictly followed in reporting prices, and the necessary steps have been taken to have the mistakes rectified; but there is no reason for supposing that the market prices are not generally ascertained with care before the reports are submitted.

“In the opinion of Government the present rules on the subject are sufficient. If any specific instance of prices being incorrectly reported be cited, enquiry will be made; but there is no evidence for the necessity of instituting any general enquiry.”

INDUSTRIES OF BENGAL.

The Hon'ble MR. SYED SHURFUDDIN said:—

Considering the fact that the account of the industries of the Province as published under the heading of "Manufactures and Mines" in Chapter IV of the Administration Report of Bengal, 1904-05, is not complete, will the Government be pleased to direct the publication in future Administration Reports more details on this subject?

As a preliminary step will the Government be pleased to institute as soon as possible a general industrial survey of the Province to inquire into, among other things,—

- (i) the existing industries, with the areas covered by each of them;
- (ii) the dying or dead industries, with the causes of their present condition and suggestions for their revival, wherever that is possible;
- (iii) the possibility of any new industry which may be suited to particular areas by virtue of their respective position and surroundings?

The Hon'ble MR. RICHARDSON replied:—

"As regards the first part of the question, if the Hon'ble Member will specify the further details which he considers should be given in order to complete the information in the Administration Report, Government will be glad, if the details are available and if space permits, to comply with his wishes.

"As regards the second part of the question, the Lieutenant-Governor does not consider it necessary at present to institute a general industrial survey of the Province. I lay on the table a copy of a report prepared by the Hon'ble Mr. Collin in 1890 on the existing arts and industries of Bengal and a copy of a Memorandum prepared in the Secretariat regarding the development of agriculture, and industrial, commercial and technical education in Bengal. Reference may also be made to Chapter XII of the report of the last Census of the Province, prepared by Mr. Gait, and to the statistical tables of the Census, numbered XV and XVI."

POLITICAL STATES IN CHUTIA NAGPUR.

The Hon'ble MR. SYED SHURFUDDIN asked:—

(a) Will the Government be pleased to lay on the table the report of the Officer who is mentioned as having been deputed to inquire into and report on the condition of the Political states in Chutia Nagpur (*vide* Administration Report of Bengal, 1904-05, Chapter I, paragraph 10)?

(b) Will the Government be pleased to state what change, if any, has been effected in the office establishment of the Commissioner of Chutia Nagpur after the transfer of seven of the Political states in that Division to the Central Provinces?

The Hon'ble MR. CARLYLE replied:—

"(a) Government is unable to lay on the table the reports, as they are Confidential.

"(b) Five and not seven States have been transferred from the Chutia Nagpur Division to the Central Provinces. Out of a staff of five Assistants originally employed in the Political side of the office of the Commissioner of Chutia Nagpur whose pay ranged from Rs. 25 to Rs. 100 *per mensem*, only one temporary clerk on Rs. 35 has been retained for work connected with the two Native States of Seraikela and Kharsawan which are still under the Commissioner."

PRISON REFORMS.

The Hon'ble MR. SYED SHURFUDDIN asked :—

Is the Government aware that His Honour the Lieutenant-Governor of the Punjab has recently issued an order in the course of which he lays it down as an axiom that if the law is properly administered, no boy under the age of fifteen years should in future ever become acquainted with the inside of a prison, and in noticing the reformatory system inaugurated in the Lahore and Montgomery Jails for the mental and physical training of juvenile adult convicts, His Honour fully agrees in the importance of dealing with the incipient criminal on special lines, while comparative youthfulness affords every prospect of reform, and sees no reason why the same success should not be attained in India as under the English system ?

Is the Government further aware that there are at present under the consideration of the Bombay Government important proposals regarding prison reform, such as complete separation of habituals from first-conviction prisoners, special treatment of juveniles and young adults up to twenty-five years of age, and provision of separate accommodation for under-trial prisoners ?

Will the Government be now pleased to state if it will consider the advisability of taking steps to introduce prison reforms on the lines indicated in the order of His Honour the Lieutenant-Governor of the Punjab, and the proposals under the consideration of the Bombay Government ?

The Hon'ble MR. RICHARDSON replied :—

“In reply to the first paragraph of the question, this Government is aware of the observations made by His Honour the Lieutenant-Governor of the Punjab.

“In reply to the second paragraph, this Government is not aware of the details of the proposals before the Bombay Government to which reference is made. The proposals, however, are not in their general scope of a novel character, and attention has been given in recent years in more than one quarter to the cognate subjects of the segregation and differential treatment of the various classes of prisoners.

“These subjects have not been lost sight of in this Province. The existing rules provide for the separation of prisoners, and steps have been and are being taken to remedy such defects as exist in this respect in the present jail buildings. The question has been again before the Government quite recently, and a report has been called for from the Inspector-General of Prisons. The Government has adopted and expressed the view that, except in special cases, juvenile offenders should not be sent to jail, but to the Reformatory schools. Various questions relating to these are now under consideration. As regards the training of young adults, a scheme is in contemplation in connection with the new Alipore Jail, and it is hoped that it will be found possible to give effect to it.”

COMMISSIONERSHIP OF MUZAFFARPUR.

The Hon'ble MR. SYED SHURFUDDIN asked :—

Will the Government be pleased to state as to when the scheme of the formation of a separate Commissionership at Muzaffarpur is going to be given effect to ?

The Hon'ble MR. CARLYLE replied :—

“The matter is now under the consideration of the Government of India.”

THE REGISTRATION DEPARTMENT.

The Hon'ble MR. SYED SHURFUDDIN asked :—

Will the Government be pleased to lay on the table the papers relating to the re-organization of the Registration Department ?

The Hon'ble MR. CARLYLE replied :—

“The papers are laid on the table.”

CONSTRUCTION OF A TRAMWAY SERVICE IN THE COSSIPORE-CHITPUR MUNICIPALITY.

The Hon'ble MR. BERTRAM asked :—

Will the Government be pleased to state if sanction has been accorded to the proposals of the Cossipore-Chitpur Municipality in the matter of the Calcutta Tramways Company's Scheme to extend the services of that Company to points within the jurisdiction of that Municipality?

If not, will the Government veto the resolutions passed by the Cossipore-Chitpur Municipality purporting to sanction the Calcutta Tramways Company's Scheme, and direct that the Cossipore-Chitpur Municipality, at a Special General Meeting convened in accordance with the Bengal Tramways Act, 1883, section 3, should fairly and thoroughly re-consider the two schemes, *viz.*, that of the Calcutta Tramway's Company for a passenger service only, and Babu Nibaran Chunder Dutt's for a combined passenger and goods service in the locality?

Is it not a fact that the Cossipore-Chitpur Municipality have disregarded the express instructions of the Presidency Commissioner and the opinion of the Commissioner of Police as to the public safety and convenience of the last mentioned scheme, and have ignored the representations of the Mercantile community concerned in the jute trade in its favour?

The Hon'ble MR. CARLYLE replied :—

"The Commissioners of the Cossipore-Chitpur Municipality decided after full consideration that the Calcutta Tramways Company should be allowed to make an application to Government for permission to construct a Tramway to be worked by electric traction within the Municipality, and the Commissioner of the Presidency Division was informed in March last that Government would await the submission of a formal application from the Calcutta Tramways Company. The present Commissioner of the Presidency Division, Mr. Collin, is of opinion that the decision of the Municipal Commissioners should be accepted, though it is understood that one of his predecessors and the Commissioner of Police were in favour of Babu Nibaran Chunder Dutt's scheme which the Municipal Commissioners rejected in favour of that put forward by the Calcutta Tramways Company. The former application of the Calcutta Tramways Company has not yet been submitted to Government. Meanwhile the question is being considered by Government."

PORT HOSPITAL DUES.

The Hon'ble MR. BERTRAM asked :—

Will the Government kindly lay on the table abstracts of the closed accounts of the Port Hospital Dues for the year ended 31st March, 1906, and for the quarter ended 30th June, 1906?

The Hon'ble MR. INGLIS replied :—

"The statements asked for are laid on the table."

Statement of Receipts and Disbursements on account of the

Statement of Receipts and Expenditure on account of the Calcutta

	Receipts.	Repair of steam-launch and bhowlia Pansy.	Salary of Health Officer and Assistant Port Officer.	Exchange compensation allowance.	Establishment.	Office expenses.	Miscellaneous.	Travelling allowance.	Charges for sick seamen sent to Howrah Hospital.	Charges for sick seamen sent to Presidency General Hospital.	Charges for sick seamen sent to Medical College Hospital.	Charges for sick seamen sent to Mayo Hospital.
Opening balance	... 1,71,415 3 5	...	Rs. A. P. 1,670 0 0	Rs. 75 e	Rs. A. P. 469 11 2	Rs. 8 4 3	Rs. 69 1 0	Rs. ...	Rs. 414	Rs. ...	Rs. ...	Rs. ...
April 1906	... ....	...	1,603 10 8	... 75	705 11 6	4 8 0	49 9 6	... : :	1,134	1,764	94	... : :
May " "	... 11,606 0 0	...	1,655 0 0	... 75	578 7 2	13 7 0	87 11 9	... : :	566	8,026	157	... : :
June "	... ....	...	...	...	...	...	...	...	...	...	...	...
Total	... 11,606 0 0	...	4,928 10 8	150	1,733 13 10	26 3 3	206 6 3	... : :	2,114	4,790	251	... : :
Closing balance	... ....	...	....	e	....	....	....	... : :	...	...	...	...
GRAND TOTAL	... 1,83,081 3 5	...	....	... : :	....	....	....	... : :	...	...	...	...

Calcutta Hospital Port Dues Fund for the year 1905-1906.

Hospital Fort Dues Fund from April to June, 1906.

THE BOILER FUND.

The Hon'ble Mr. BERTRAM asked :—

(a) Will the Government kindly state the full amount standing to the credit of the Boiler Fund in its hands on 31st March last, and the surplus accruing to the Fund from the working for the year ended 31st March, 1906?

(b) Is there any objection to lay on the table a full statement of accounts to 30th June, 1906?

(c) Is it a fact that the expenses of the Smoke Commission were debited to the Boiler Fund, and is it intended to charge the Fund with the fees of the Commissioners appointed under the Smoke Nuisances Act?

(d) If so, under what authority have such charges been debited or will be debited to the Boiler Fund?

The Hon'ble Mr. INGLIS replied :—

“(a) The treasury accounts for 1905-06 have not been finally closed yet; but, as at present ascertained, the balance at credit of the fund on 31st March, 1906, was Rs. 87,389-4. The opening balance on 1st April, 1905, was Rs. 85,210-11-11, the surplus on the working of the year thus being Rs. 2,178-8-1.

“(b) The statements of receipts and disbursements for the months of April, May and June, 1906, are placed on the table.

“(c) Expenditure in connection with the Smoke Commission during the current year has been temporarily debited to the Boiler Fund, as a separate head of account was not provided in the Provincial Budget for the current year. This will be provided for in the revised estimates for the current year, and the expenditure on the Smoke Commission will be written back and adjusted as a charge against Provincial Revenues.”

STEAM PILOT VESSEL FOR THE SANDHEADS.

The Hon'ble Mr. BERTRAM asked :—

Has the Government yet decided to allot funds in the Budget of 1907-1908 for the provision of a second steam pilot vessel at the Sandheads? If not, why not?

The Hon'ble Mr. INGLIS replied :—

“Government is alive to the importance of providing a second steam pilot vessel and it will be ordered as soon as the state of the Provincial finances permits of the necessary outlay being met. The Budget for 1907-08 will not come under consideration till December.”

IMPROVEMENT OF TOLLY'S NULLAH.

The Hon'ble Mr. BERTRAM asked :—

Will the Government kindly declare their policy regarding the improvement of Tolly's Nullah with a view to make that waterway more generally useful to the trade of Calcutta?

In the meantime will instructions be issued to the officer in charge to do all that is possible to keep the channel open to allow of the passage of boats carrying rice and other produce up and down the Nullah at any state of the tide?

The Hon'ble Mr. INGLIS replied :—

“In May, 1904, this Government submitted to the Government of India a scheme for a canal from the Bidyadhar river to the Hooghly, to be of size sufficient to accommodate the steamers and flats which ply to Assam. This scheme involves the canalization of Tolly's Nullah. The cost was roughly estimated at Rs. 1,55,00,000, including charges for plant and for establishment.

"The Government of India in August, 1904, intimated that while they agree that it is desirable to improve Tolly's Nullah, the outlay proposed was too great to allow of the acceptance of the scheme. The matter then remained in abeyance. Last January the Government of India asked that certain alternative proposals in connection with the scheme might be considered. This has been done and a report has recently been sent to the Government of India.

"This Government is anxious to carry out the scheme if it can be brought within practicable financial limits.

"Tolly's Nullah under existing conditions must remain liable to interruptions of traffic. It rapidly shoals at the point where the tides which enter from both ends meet. There is not enough space to use dredgers, and to clear the shoal it is necessary to block and de-water the channel. This has been done quite recently at a cost of Rs. 33,000, and it will have to be re-done after two years.

"It is a physical impossibility to keep the channel open at all states of the tide. It is with difficulty that it is kept open at high tide. The importance of the channel to the rice trade is well known, and what can be done at reasonable cost will be done."

FISHERIES IN BENGAL.

The Hon'ble MR. BERTRAM asked :—

Will the Government be pleased to state what progress has been made towards instituting a thorough investigation into the fisheries around the coasts and in the inland waters of Bengal as promised by His Honour Sir Andrew Fraser in his speech on the last Bengal Budget?

The Hon'ble MR. CARLYLE replied :—

"Mr. K. G. Gupta, Member of the Board of Revenue, has been appointed to make inquiries into the possibility of improving and developing the fisheries in Bengal. A copy of this Government letter No. 1780T.R., dated the 26th July, 1906, containing the instructions which have been issued to him on the subject, is laid on the table."

UPKEEP OF NAVIGABLE CHANNELS BETWEEN CALCUTTA AND EASTERN BENGAL.

The Hon'ble MR. BERTRAM asked :—

(a) Will the Government be pleased to state if it can see its way to recommend to the Supreme Government the creation of a special Department of the Public Works, as suggested in Council by the Hon'ble Mr. Nimmo, to deal with the Ganges-Brahmaputra-Megna System of Rivers and their connected Canals, which department should be responsible for all surveys, dredging schemes, and general upkeep of the navigable channels?

(b) In view of the importance of the subject to the community in general and the necessity of securing continuity of policy, if there is to be any real progress in the development of Eastern Bengal and Assam Waterways on the lines of other countries, will the Government be pleased to discourage as much as possible changes of personnel in the Irrigation Department within its jurisdiction; and also will the Government bring its good offices to bear on the Government of Eastern Bengal and Assam to the same end?

The Hon'ble MR. INGLIS replied :—

"(a) This important question has been considered by this Government. As at present advised, the Lieutenant-Governor is inclined to advocate that a Committee should be appointed to investigate the requirements of trade, the possibilities of the channels and the outlay involved, and that a special staff should be employed on such works as may be found feasible.

“(b) A Joint Committee has already been appointed to advise Government on questions relating to the channels between Calcutta and Eastern Bengal. On this Committee the Government of Eastern Bengal and Assam is represented and so are the Steamer Companies. It is hoped that this will tend to insure a continuity of policy. Changes in the *personnel* of the staff are and will be avoided as far as practicable.”

THE RANCHI MODEL COLLEGE.

The Hon’ble MR. CHAUDHURI asked :—

- (a) Will the Government be pleased to state how far the Ranchi Model College scheme has progressed ?
- (b) Are the College and School buildings and the Boarding Houses under actual construction, and, if so, what progress has been made in respect of each ?
- (c) How much has been spent by Government up to now on the proposed College scheme, and how much public subscription has been promised and collected for the same ?
- (d) Is there any foundation for the announcement in the public Press that the Secretary of State has withheld his sanction to the Ranchi Model College scheme ?

The Hon’ble MR. RICHARDSON replied :—

- “(a) The answer to the first of the series of questions put by the Hon’ble Member is contained in the answers which I am about to give to the remaining questions.
- “(b) There are no buildings under actual construction.
- “(c) It has been ascertained that up to date the preliminary expenditure in connection with the proposed Model or Arts College at Ranchi amounts to Rs. 28,000 (for materials). No actual award has been made in connection with the acquisition of land.
- “(d) The subscriptions to the College scheme which have been promised amount to Rs. 3,12,897, of which Rs. 2,48,897 have been paid and are in deposit in the Bank of Bengal.
- “(e) From the correspondence which has been published in the daily Press, it will appear that the proposal has not been referred to His Majesty’s Secretary of State.”

THE NORTHERN SALT LAKE.

The Hon’ble MR. CHAUDHURI asked :—

- (a) Is it not a fact that the Northern Salt Lake has long been regarded as a source of danger to the health of the Northern Calcutta and the suburbs ?
- (b) Has not that danger greatly increased of late by its being converted into a receptacle for the deposit of solid sewage of Calcutta ?
- (c) Have not the constructions of the fishery *bheries* materially obstructed the free drainage of the suburbs ?

The Hon’ble MR. INGLIS replied :—

- “(a) & (b) This is a matter regarding which there is a divergence of opinion and Government is not at present advised that there is any danger to the health of Calcutta from the Salt Lakes.
- “(c) The existence of the fishery *bheries* cannot be said to obstruct the drainage of the suburbs. The *bheries* have been in use for many years and are not of recent construction.”

THE DANTIA KHAL.

The Hon'ble MR. CHAUDHURI asked :—

(a) Will the Government be pleased to state the cause of the deterioration and the silting up of the Dantia Khal in the Baranagore Municipality, and is it not a fact that the health of the area has suffered greatly consequent to the silting up of the khal?

(b) Is it not the case that the Northern Salt Lake can be reclaimed with considerable improvement in the health and drainage of the North and the North-East suburbs of Calcutta without the least interference with the Calcutta sewage system?

(c) Is not the improvement of these suburbs urgent for the housing of the poor who are constantly being unhoused and are likely to be unhoused in larger numbers by the Town Improvement Scheme?

The Hon'ble MR. INGLIS replied :—

"(a) The silting of the Dantia Khal is due to natural causes. The flood tide brings up silt which the ebb tide is unable to carry back completely. There is no information before Government to indicate that the silting of the khal has been injurious to the health of Baranagore. Administrative sanction has been given by Government to a scheme for the better drainage of this Municipality.

"(b) In the opinion of Government it is improbable that the Northern Salt Lake could be reclaimed without interfering with the outfall of the Calcutta sewage system. The reclamation would not, in itself, have any effect on the drainage of the suburbs.

"(c) It is certainly desirable to improve the suburbs of Calcutta, and this is a matter which will continue to receive attention."

THE SUBURBAN DRAINAGE.

The Hon'ble MR. CHAUDHURI asked :—

Will the Government be pleased to lay on the table a brief note setting out the views and opinions of Colonel Randall, Colonel Haig, Mr. Whitfield, Mr. Hughes, Mr. Vertannes, Mr. Buckley and Mr. Horn regarding the improvement of the suburban drainage and the reclamation of the Salt Lakes?

The Hon'ble MR. INGLIS replied :—

"A copy of a volume of selections from the Records of the Bengal Government containing papers from 1865 to 1904, relating to the Circular and Eastern Canal, is laid on the table. In this the correspondence relating to proposals for the reclamation of the Northern Salt Lake is given at length."

THE LOWER GANGES CANAL.

The Hon'ble MR. CHAUDHURI asked :—

Will the Government place on the table a brief note as to how the drainage questions of the Presidency Division were proposed to be dealt with in connection with the Lower Ganges Canal Project by Colonel Searle, Mr. Long, Mr. Kimber and Mr. Hughes?

The Hon'ble MR. INGLIS replied :—

"The project for the Lower Ganges Canal was for a navigable canal. The drainage problems of the Presidency Division were not dealt with in it."

THE SALT LAKE CHANNEL.

The Hon'ble MR. CHAUDHURI asked :—

Considering the fact that the deterioration of the Salt Lake Channel is fast going on, will the Government consider the advisability of the construction of an out-fall sluice near Haroa and connect it with Haroa Gang (River), a few miles north of Kulti Lock ?

The Hon'ble Mr. INGLIS replied :—

“ It is not fully understood how the proposal submitted would bear on the improvement of the Salt Lake channel. The Government will be glad to consider any proposals which may be calculated to effect the improvement of that channel.”

LEVELS OF THE WATER IN THE HOOGHLY AT BARANAGORE, &c.

The Hon'ble MR. CHAUDHURI asked :—

(a) Will the Government be pleased to state the levels in reference to mean sea datum of the highest and the lowest water during flood season of Hooghly at Baranagore and of the Haroa Gang at Haroa ?

(b) Will the Government be pleased to lay the above question for the consideration of the Commission appointed for enquiry into the drainage of the Presidency Division and appoint a drainage expert with local knowledge to assist the deliberation of the Commission ?

The Hon'ble Mr. INGLIS replied :—

“(a) Information regarding the exact levels of the water in the Hooghly at Baranagore is not available. A statement is, however, laid on the table which gives the comparative levels of the water at Chitpur and at Haroa for the period mentioned.

“(b) The Drainage Committee will consider all schemes for drainage brought before it, and will seek assistance from local officers or other persons having any special acquaintance with drainage questions.”

Highest levels of the Hooghly river at Chitpur.

		July.	August.	September.
1901	...	12.65	15.00	16.00
1902	...	12.65	15.75	15.50
1903	...	13.50	15.75	16.00
1904	...	15.00	17.75	17.50

Highest levels of the Haroa Gang at Haroa.

		July.	August.	September.
1905	...	9.62	9.72	8.72

Lowest levels of the Hooghly river at Chitpur.

		July.	August.	September.
1901	...	- 0.10	+ 1.48	+ 1.90
1902	...	- 0.85	+ 2.65	+ 2.48
1903	...	- 0.26	+ 0.40	+ 2.82
1904	...	+ 0.90	+ 4.40	+ 2.74

Lowest levels of the Haroa Gang at Haroa.

		July.	August.	September.
1905	...	- 0.08	+ 1.02	+ 1.02

The levels are above or below mean sea level.

THE DARJEELING MURDER CASE.

The Hon'ble MR. CHAUDHURI asked:—

Has the attention of the Government been drawn to the judgement of the High Court in the Darjeeling murder case and the comments therein of the conduct of the Police in connection with the case? Will the Government take such measures as would serve as a warning against the recurrence of such negligence and similar questionable conduct and practices, on the part of investigating officers?

The Hon'ble MR. CARLYLE replied:—

“The attention of Government has been drawn to the judgement of the High Court in the Darjeeling murder case and full consideration will be given to the matter with a view to the issue of such orders as may appear to be advisable.”

THE SAMBALPUR CIVIL COURTS BILL, 1906.

The Hon'ble MR. RICHARDSON moved for leave to introduce a Bill to declare the law relating to Civil Courts in the district of Sambalpur. He said:—

“The law under which the Civil Courts in the district of Sambalpur are now constituted is the Central Provinces Courts Act of 1904, with certain modifications introduced by the Bengal and Assam Laws Act of 1904. The object of the present Bill is stated in the Statement of Objects and Reasons appended to it, and I have little to add. The arrangements in force are not only anomalous, but in some respects unworkable, as a single instance will show. The effect of the Bengal and Assam Laws Act is to substitute for the words ‘Judicial Commissioner of the Central Provinces,’ wherever those words occur in the Central Provinces Act, the words ‘High Court of Judicature at Fort William in Bengal.’ Now one provision of the Central Provinces Act runs as follows:—‘The Judicial Commissioner shall be appointed by the Governor General in Council.’ The substitution of the High Court for the Judicial Commissioner in this provision is obviously incompatible with the constitution of the High Court. In view of this and other results of the present state of the law, the Hon'ble Judges have pressed the Government to undertake legislation and to push it through as fast as possible. The Bill which I ask leave to introduce has been framed in consequence, and, I may add, has received the approval of the High Court.”

The Motion was put and agreed to.

The Hon'ble MR. RICHARDSON introduced the Bill and moved that it be read in Council.

The Motion was put and agreed to, and the Secretary accordingly read the title of the Bill.

The Hon'ble MR. RICHARDSON also moved that the Bill be taken into consideration. He said:—

“The List of Business gives two separate motions, one for suspension of the Rules of Business to admit of the Bill being considered and passed at this meeting, and the other for the consideration of the Bill.

“If notice had been given before this meeting that any amendment would be moved, objection might have been taken under Rule 44 to the immediate passing of the Bill.

“No notice, however, having been given of an intention to propose any amendment, it is unnecessary to suspend any rule, for the Rules allow the course it is now proposed to follow and which it is desirable to adopt in view of the urgency of the case. As I have said, the Hon'ble Judges of the High Court

have expressed the wish that the Bill should be passed with the least possible delay. I beg, therefore, to move that the Bill be taken into consideration."

The Motion was put and agreed to.

The Hon'ble MR. RICHARDSON also moved that the Bill be passed.

The Motion was put and agreed to.

The Council was then adjourned *sine die*.

CALCUTTA ; }
The 21st August, 1906. }

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, NOVEMBER 21, 1906.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 10th November, 1906, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, presiding.
The Hon'ble MR. F. A. SLA'KE.
The Hon'ble MR. W. C. MACPHERSON, C.S.I.
The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.
The Hon'ble MR. E. W. COLLIN.
The Hon'ble MR. R. W. CARLYLE, C.I.E.
The Hon'ble MR. W. A. INGLIS.
The Hon'ble MR. H. J. MCINTOSH.
The Hon'ble MR. T. W. RICHARDSON.
The Hon'ble MR. G. GORDON.
The Hon'ble MR. C. G. H. ALLEN.
The Hon'ble Mr. J. CHAUDHURI, M.A.
The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.
The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.
The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.
The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.
The Hon'ble MR. SYED SHURFUDDIN.
The Hon'ble MR. W. T. SPINK.
The Hon'ble MR. J. R. BERTRAM.
The Hon'ble BABU RADHA CHARAN PAL.
The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

NEW MEMBERS.

The Hon'ble MR. P. O'KIN'ALY and the Hon'ble BABU JOGENDRA CHANDRA GHOSE took their seats in Council.

THE LATE HON'BLE BABU NALIN BEHARI SIRCAR, C.I.E.

The Hon'ble the PRESIDENT said :—“I am sure that it will appear right to the Council that, before proceeding to the business of the day, I should refer briefly to the loss which the whole community has sustained in the death of Babu Nalin Behari Sircar. When I left for England, he was still a Member of this Council ; and though I knew that he was not in good health, I had little thought that one of the first things which I should hear after my return would be the news of his death.

“I need not dwell in this place on the services rendered to the community by Babu Nalin Behari Sircar ; for they are as well known to you as to me. I made his acquaintance very soon after my arrival in Calcutta three years ago. From the first I came under the charm of his winsome and courteous manners ; and from the first I realised his great capacity and his desire to advance the public interest. From the first therefore he became one of my most highly esteemed advisers.

“In innumerable ways he privately and unostentatiously showed his devotion to the public good ; and his kindness and benevolence are well known. He also publicly co-operated with Government in the work of the Port Commissioners ; and his fellow Commissioners indicated their respect for and confidence in him, by appointing him to represent them on the Corporation where his work was of great value. The Corporation in turn elected him to be a Member of this Council ; and during all the time that he served with us, he worked with us heartily, and was highly esteemed among us. He rendered me assistance of special value as a member of the Conference on the Calcutta Improvement Scheme ; and on many occasions he showed himself to be a colleague, as I have already indicated, worthy of the very highest respect. He came to me freely to discuss public questions ; and, though we sometimes differed in opinion, our relations were always most cordial.

“The high position which he occupied in the respect of the community was indicated by his selection to the office of Sheriff ; and the appreciation by Government of his valuable public services was indicated by his appointment by His Majesty the King-Emperor to be a Companion of the Most Eminent Order of the Indian Empire.

“I am sure that every Member of this Council concurs with me when I give expression to our deep regret at the loss of our friend and late colleague, and I am sure also that the Council will desire that I should communicate the expression of our sympathy with his widow and children and his aged mother in the sore bereavement which they have sustained.”

QUESTIONS AND ANSWERS.

RESOLUTION BY THE GOVERNMENT OF BOMBAY REGARDING JUVENILE OFFENDERS.

The Hon'ble MR. SYED SHURFUDDIN said :—

I beg to draw the attention of this Government to a Resolution passed by the Government of Bombay and issued in a press note, suggesting to all Magistrates the desirability of ordering special arrangements (i) for the detention of under-trial juvenile offenders ; (ii) for the speedy disposal of such cases, and (iii) for separation within the precincts of their Courts of all juvenile offenders who may be brought before them ; and drawing the attention of the Magistrates to section 562 of the Criminal Procedure Code, and section 31 of the Reformatory Schools Act, 1897, which give Magistrates ample power of dealing suitably with juvenile petty offenders, while their other powers under the Reformatory Schools Act, and the Whipping Act probably enable them to deal with more serious offenders without having recourse to the punishment of imprisonment : and to ask the Government if it will consider the advisability of issuing orders on similar lines to the Magistrates of Bengal ?

The Hon'ble Mr. RICHARDSON replied:—

“The Government of Bombay will be requested to favour this Government with a copy of the Resolution to which the Hon'ble Member refers. When this is received this Government will consider whether it should take action on similar lines.

“I may tell the Hon'ble Member that a rule in the Jail Code provides for the segregation of under-trial prisoners, male and female, and for the separation of male under-trial prisoners under the age of 18 from other prisoners, and of those under such age who have attained the age of puberty from those who have not.

“After the existing Criminal Procedure Code was passed, the attention of Magistrates was directed to the provisions of section 562. Further measures to ensure that no juveniles are unnecessarily detained in a Reformatory School are under consideration.”

TRANSFER OF SUB-DIVISIONAL HEAD-QUARTERS FROM RAJMAHAL TO SAHEBGANJ IN THE SONTHAL PARGANAS.

The Hon'ble Mr. SYED SHURFUDDIN asked:—

Will the Government be pleased to state if it intends to transfer the Sub-divisional Head-quarters from Rajmahal to Sahebganj in the district of the Sonthal Parganas?

If so, will the Government be pleased to state what new circumstances have transpired to necessitate such a change since, in reply to a question on the subject by the Hon'ble Rai Bahadur Tarini Prasad, four years ago, the Government was pleased to declare that it had no such intention?

The Hon'ble Mr. CARLYLE replied:—

“Attention has recently been drawn again to the proposal made some years ago to transfer the Sub-divisional Head-quarters from Rajmahal to Sahebganj, in the district of the Sonthal Parganas. But the Government has not yet had the opportunity of re-considering the proposal, and will certainly not pass any orders in regard to it without hearing all that can be urged against it.”

REPORT OF THE COMMITTEE REGARDING THE PAY AND PROSPECTS OF MINISTERIAL OFFICERS.

The Hon'ble Mr. SYED SHURFUDDIN asked:—

Will the Government be pleased to state if it has received the final report of the Committee appointed to inquire into, and report on, the present pay and prospects of the ministerial officers and to suggest means for their improvement?

If the report has been received, will the Government be pleased to publish it for general information, and to state what action the Government is going to take on the report, and when?

The Hon'ble Mr. McINTOSH replied:—

“The report has been received and is at present under the consideration of Government. It cannot at present be published.”

FLOODS IN NORTH BIHAR.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to lay on the table the reports which this Government has submitted to the Government of India on the recent floods in North Bihar?

In view of the facts that the recent floods in North Bihar have caused serious damage to the standing crops, that the outturn of the *Bhadoi* crops is expected to be much below the normal, that on account of the September rainfall in Bihar having been less than half of the normal average (the normal average is 9.40 and the actual for September, 1906, is 4.56, *vide* Calcutta Gazette of the 17th October last), the winter paddy crops cannot be expected to be a bumper one, and that this year there has been an unusually large export of food-grains from Bihar into East Bengal, will the Government be pleased to state whether it apprehends a famine or a severe scarcity in Bihar in the near future, and, if so, what steps the Government proposes to take to meet the situation?

If the information now before the Government does not enable it to give a definite reply to the above question, will the Government be pleased to institute an early and careful inquiry into the matter and publish the result of such an inquiry for the assurance of the public?

The Hon'ble MR. CARLYLE replied:—

"With reference to the Hon'ble Member's Questions, I am directed to lay on the table the reports submitted by this Government to the Government of India on the recent floods in North Bihar. Famine has been declared in the Roserha and Bahera thanas of Darbhanga, and will probably have to be declared in other thanas later on. So far as our information now goes, it is not certain that famine will have to be declared in any other Bihar district, but the state of things is being carefully watched. Test works have been opened both in Muzaffarpur and in Saran, and if they show that famine conditions exist, famine will at once be declared wherever severe distress is likely to prevail."

BHADOI CROPS OF BENGAL.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state upon what authority the Director of Agriculture bases his preliminary forecast of the *Bhadoi* crops of Bengal (published in the Calcutta Gazette of the 17th October last), in which he says that "on the whole 75 per cent. of a normal outturn may safely be expected?"

Will the Government be further pleased to state fully the process by which the Director of Agriculture has got the information on which he bases his report?

The Hon'ble MR. CARLYLE replied:—

"The Hon'ble Member is referred to the Forecast itself as published in the Gazette with the details received from each district in the Appendix. This will probably give him all the information he requires. If not, the Director of Agriculture will be glad to give him any further information."

"The Hon'ble Member will find the answer to the second part of his question in Chapter II of the Manual of Rules for the preparation of Crop Reports and Agricultural Statistics issued under the authority of Government."

TOLLY'S NALLAH CANAL.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state if a statement can now be laid on the table explaining the present position of the Tolly's Nallah Canal project?

The Hon'ble MR. INGLIS replied:—

"The Lieutenant-Governor is unable to add to the statement made in answer to the question on this subject which was asked at the meeting of the Council on the 18th August last. The matter is under discussion with the Government of India."

LOCAL FUNDS RELATING TO TRADE AND COMMERCE CONTROLLED BY GOVERNMENT.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state what other funds besides the Boiler Fund, the Pilotage Fund and the Port Hospital Dues Fund, relating to Trade and Commerce, they at present control, and if there is any valid reason why the accrued balances at credit of the three named funds, in addition to any others controlled by Government, should not be invested in interest bearing securities?

The Hon'ble MR. INGLIS replied:—

"The Fire Brigade Fund and the Orissa Ports Fund, which are excluded local funds, are controlled by Government. The Inland Labour Transport Fund is an Incorporated Local Fund and is also controlled by Government. The question of the best method of dealing with the balances of the Funds referred to in the Hon'ble Member's question will be further considered."

THE CALCUTTA IMPROVEMENT SCHEME.

The Hon'ble MR. BERTRAM asked:—

Can the Government make a statement as to the present position of the "Calcutta Improvement Scheme," and when is a Bill on the subject likely to be introduced into this Council?

The Hon'ble MR. MCINTOSH replied:—

"The scheme is still under the consideration of the Governments of India and Bengal. It is impossible to give any definite reply to this question at present."

ST. PAUL'S SCHOOL AT DARJEELING.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state if they intend to take over St. Paul's School at Darjeeling from the present governing body, and, if so, on what terms and conditions?

The Hon'ble MR. RICHARDSON replied:—

"Government has no intention of taking over St. Paul's School from the governing body. Proposals are, however, under consideration which may lead to a change in the constitution of that body."

FISHERY INVESTIGATION SCHEME.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state if, after Mr. K. G. Gupta's present mission is ended, they intend to organize a Fishery Investigation Scheme somewhat similar to that instituted by the Madras Government?

The Hon'ble MR. CARLYLE replied:—

"Mr. K. G. Gupta has been placed on special duty by the Bengal Government for six months so as to commence an inquiry regarding Bengal fisheries; but as it is recognized that this time is insufficient for the completion of his inquiries, the Government of India have been asked to allow his deputation to be extended and to select an expert from England to be associated with him in his inquiries."

A SECOND STEAM PILOT VESSEL.

The Hon'ble MR. BERTRAM asked:—

Can the Government now state if they are to make provision in the next Budget for the cost of a second pilot steamer?

The Hon'ble MR. INGLIS replied:—

"Subject to the approval of the Government of India, it is proposed to provide funds for the second steam pilot vessel in the Budget for next year."

MR. PROTHERO AND THE PRINCIPALSHIP OF THE PRESIDENCY COLLEGE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

(a) Will the Government be pleased to state the grounds on which it has superseded Mr. Prothero in the recent officiating appointment of the Principal of the Presidency College?

(b) Is it not the fact that Mr. Prothero had once before officiated as Principal of the Presidency College for a period of six months?

(c) Was any fault found with Mr. Prothero's Principalship of the Presidency College?

(d) Is it a fact that after Mr. Prothero had acted as Principal of the Presidency College, or at any other time, he was very strongly recommended by Sir Alexander Pedler, the late Director of Public Instruction, for the post of the Director of Public Instruction, Punjab?

(e) Is the Government aware that Mr. Prothero was very popular with the professors and the students during the time that he held the office of the Principal of the Presidency College and he enjoyed the complete confidence of the students?

(f) Is the Government aware that all the Anglo-Bengali newspapers have regretted the supersession of Mr. Prothero and ascribed the same to his well-known attitude of sympathy towards the Indian students?

(g) Does the Government think it conducive to the interests entrusted into the hands of the officers of the Education Department to arbitrarily supersede senior officers towards the close of their service?

The Hon'ble Mr. RICHARDSON replied :—

"I cannot undertake to answer the Hon'ble Member's long series of questions categorically and I much regret being called upon to make in public a comparison between the merits of the two officers referred to. The task is an invidious one, but the Hon'ble Member leaves me no option.

"The Principalship of the Presidency College is one of the most important posts in the Education Department, and in filling that post the claims of seniority must be subordinated to the principle of selection, and personal considerations to the interests of the public service. The appointment of Mr. Little to officiate as Principal was made after a most careful consideration of the circumstances of the case. Mr. Prothero was not lightly passed over, but Mr. Little was preferred because he was thought to possess qualifications for the post which are not to be found in Mr. Prothero.

"It is true that Mr. Prothero once acted as Principal without exciting adverse comment. No fault was found with his Principalship, but the present issue does not depend on a comparison of faults but on a comparison of merits. The conditions now are changed. Proposals for the improvement of the Presidency College are likely to come under consideration, and it was felt that Mr. Little possessed in a superior degree the abilities which the situation requires. In brief, Mr. Little was selected on the ground of fitness for the post and in the interests of the public service. The selection was in no sense arbitrary. It was made by one Lieutenant-Governor and endorsed by another. It was made in the exercise of the discretion vested in the Government and with a full sense of responsibility.

"I conceive that a proper application of the principle of selection is necessary to the efficiency, and promotes the interests, of every public department. If the post in question is, as I think the Hon'ble Member will admit it is, of sufficient importance to justify the application of that principle, then I think that no fault can be found with the action which the Government has taken.

"I am not aware that Mr. Prothero was recommended by Sir Alexander Pedler for the post of Director of Public Instruction in the Punjab; nor am I aware why, if the recommendation was ever made, it was not accepted.

"As regards the newspapers, they do not perhaps afford the best means of discussing an entirely personal issue. The suggestion that Mr. Prothero was superseded because he was popular and enjoyed the confidence of the students is absolutely without foundation. I regret that the Hon'ble Member has thought it consistent with the dignity of this place to repeat the suggestion to-day."

RULE REGARDING OFFICIATING PERIODS OF SERVICE COUNTING TOWARDS PENSION.

The Hon'ble BABU BHUPENDRA NATH BASU said :—

The Government was pleased, in answer to a question put by the Hon'ble Babu Ambika Charan Mazumdar, in March last, to state "that the question of amending the rule according to which officiating periods of service cannot be counted towards pension is already under consideration, and the Government hopes to be able to make a definite pronouncement regarding it at an early date," and on the occasion of the last Budget debate, the Hon'ble Mr. Richardson was pleased to observe as follows :—"Government has under its consideration certain proposals for improving the conditions of service as regards the rules regulating leave and pension." Will the Government be pleased to state if any definite conclusion has been arrived at on this subject, and, if so, will the Government be pleased to make the promised pronouncement?

The Hon'ble Mr. RICHARDSON replied :—

“The proposals referred to are still under consideration in communication with the Government of India.”

MINISTERIAL OFFICERS' SALARIES COMMITTEE.

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

As the Ministerial Officers' Salaries Committee presided over by the Hon'ble Mr. Slacke has made its report, will the Government be pleased to state when the necessary resolution will be issued on the subject so that all ministerial officers may get the benefit which the Government has been pleased to grant to a selected number?

The Hon'ble Mr. McINTOSH replied :—

“The question has already been answered in the reply to the question of the Hon'ble Mr. Shurfuddin.”

NOMINATION BY THE SYNDICATE OF M.A.'S TO THE PROVINCIAL SERVICE.

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

Owing to the period when the new system of appointment to the Subordinate Provincial Service was introduced, the M. A.'s of 1903 and the B. A.'s and B. Sc.'s of 1904 were excluded from nomination by the Syndicate, the Government was pleased to give an assurance at the meeting of the Council held on the 19th August, 1905, that in the event of the Provincial Service cadre being increased, two or three distinguished M. A.'s of 1903 and B. A.'s of 1904 recommended by the Syndicate should be appointed? Owing probably to oversight, this assurance was not carried out at the last increase of the cadre. Will the Government be pleased to state if it will take any steps to rectify this omission?

The Hon'ble Mr. CARLYLE replied :—

“One M. A. of 1903 will be appointed this year and another will get an appointment next year.”

LEGISLATIVE MEASURES IN THE LEGISLATIVE COUNCILS OF BENGAL AND EASTERN BENGAL AND ASSAM.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked :—

(1) Has the Government considered whether any measures may be taken to prevent the anomaly that will immediately arise by the amendment of some of the Bengal Acts now in force in both Bengals, by this Council and of others by the Legislative Council of Eastern Bengal?

Is it possible to provide that the Statute Book of the existing Bengal Acts may not be different by amendment or repeal in the two provinces creating great confusion in the administration of justice?

(2) Has the attention of the Government been drawn to the proposed amendment of some of the most important Bengal Acts by the Legislative Council of Eastern Bengal? In case of such amendment, does this Government also propose to bring forward Bills to adopt the alterations made in the law by the other Legislative Council?

(3) Is it not possible for the two Legislative Councils to act in concert in order to keep the law in the two Bengals identical, and thus allay the popular apprehension on the score of there being different laws in the two Bengals?

The Hon'ble MR. CARLYLE replied:—

“In reply to parts (1) and (3) of this question the Governments of two Provinces consult freely as to any legislative action to be taken, and are made fully acquainted with each other's proposals and intention. But it would be absurd to say that the circumstances of the two provinces are identical to such a degree as necessarily to demand precisely the same measures in every instance.

“(2) The Hon'ble Member does not specify the measures which he has in view; and the question is too vague to permit of a definite answer.”

JUDICIAL SERVICES IN BENGAL AND EASTERN BENGAL AND ASSAM.

The Hon'ble BABU JOGENDRA CHANDRA GHOSH asked:—

Is it a fact that by the division of the Judicial Service, there will be a larger proportion of Subordinate Judges to Munsifs in Western Bengal than in that part of the service that may be allotted to Eastern Bengal to the disadvantage of the latter?

Will the Government be pleased to state the reasons or lay on the table papers showing the reasons for dividing a service which is for all practical purposes under the High Court?

The Hon'ble MR. CARLYLE replied:—

“The question of separating the Judicial services of this Province and Eastern Bengal and Assam is still under consideration. No papers can be laid on the table at present.”

SHIP CANAL FROM THE HOOGHLY TO BIDYADHARI.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to state whether there is any chance of the proposed Ship Canal from the Hooghly to the Bidyadhari which has been approved by it, as greatly facilitating the navigation of steamers and boats plying between Western and Eastern Bengal, and as improving the drainage and sanitation of the District of 24-Parganas, being taken up in the near future?

The Hon'ble M^{rs}. INGLIS replied:—

“The Hon'ble Member is referred to the answer already given to the question on the same subject asked by the Hon'ble Mr. Bertram.”

THE BENGAL TENANCY AMENDMENT BILL, 1906.

The Hon'ble MR. CARLYLE moved for leave to introduce a Bill to amend and supplement the Bengal Tenancy Act, 1885. He said:—

“I will explain the Bill when I am being called on to move the next motion.”

The Motion was put and agreed to.

The Hon'ble MR. CARLYLE then introduced the Bill, and moved that it be read in Council. He said:—

“Your Honour: the Bill which I have the honour to introduce to-day has been preceded by four Acts amending the Bengal Tenancy Act of 1885. The only one of general importance passed up to the present is Bengal Act III of 1898. It dealt mainly with the settlement of rents, as the procedure laid down by the Act of 1885 had been found unworkable where rents were being settled on a large scale.

“The discussions which led up to the present Bill may be said to have commenced in May, 1901, when the Board submitted a copy of a judgment given by the Special Judge of Darbhanga accepting a compromise between a raiyat and his landlord as validating an enhancement of rent which the raiyat would have been unable to validate by a contract between himself and his landlord. A short time before this, in December, 1900, the British Indian Association submitted a representation to Government on the subject of the difficulties which landlords encounter and the hardship, harassment and loss they undergo in the matter of collection and recovery of rent and cesses. The Association suggested a number of amendments of the Tenancy Act in connection with their representation. A reply was sent to this letter by the Bengal Government in May, 1902, refusing in the main to accept the suggestions made. In September, 1902, the Board of Revenue submitted for the consideration and orders of Government a letter from the Director of Land Records bringing to notice the rareness of cases in which the records of survey and settlement proceedings were examined before decrees were given by Civil Courts for higher rents than were recorded in the khatians after careful inquiries by Revenue-officers. On receipt of this letter the Bengal Government asked the Board of Revenue to consider a suggestion that a landlord should be required either by law or by rule to file a copy of the settlement khatian in every rent suit. The Board of Revenue replied in August, 1904, dealing with the whole question of the disregard by the Civil Courts of settlement proceedings. A few days later the Board submitted for the information of Government a copy of correspondence with Commissioners of Divisions regarding the necessity of legislation to protect raiyats from illegal or undue enhancement of rents. The question of the necessity of amending the Tenancy Act was considered by all the Commissioners of this province at meetings held in September, 1904. The great majority of the Commissioners were of opinion that it was necessary to give weak and subservient tenants increased protection from illegal and undue enhancement of rents in Court and out of Court. After considering various reports and the opinions of the Commissioners a draft Bill was circulated for opinion by the Bengal Government on the 29th of November, 1904. This Bill was a very short one dealing with the maintenance of the record-of-rights, the enhancement of rents, and a record of rights in water used for agricultural purposes. The Bill was subjected to a good deal of hostile criticism and it was decided by the Lieutenant-Governor, before proceeding with the amendment of the Tenancy Act, to appoint a Committee to consider certain important questions connected therewith. A Committee was accordingly appointed over which Mr. Hare, Senior Member of the Board of Revenue, presided. It included the following unofficial members, namely:—Raja Ban Behari Kapur, Raja Peary Mohan Mukherjee, Babu Chatarbhooj Sahay and Mr. A. C. Chaterjee.

"The members of the Committee were specially asked to give their opinion on the following points:—'The failure of the Courts to use survey and settlement records and the question of how to deal with zamindars who by illegitimate pressure exacted from their raiyats illegal rents in excess of those stated in the settlement records. The Government also remarked that a subject to which, Government is aware, many zamindars attach great importance is the question of facilitating the recovery of undisputed rents.' The members of this Committee were unanimously of opinion that Government should take up the amendment of the Tenancy Act as a whole and not deal separately with different matters requiring an alteration of the law. The opinion of the Committee was accepted by Government and a Bill was drawn up dealing with the Bengal Tenancy Act as a whole. In drawing up this Bill all the amendments put forward from time to time were considered and either embodied in the draft or deliberately rejected. The whole Bill was then submitted to a Committee over which the Hon'ble Mr Justice Rampini presided. The unofficial members were: the Maharaja of Darbhanga, the Maharaja of Gidhour, Raja Ban Behari Kapur and Raja Peary Mohan Mukherjee, while the official members were: Mr. Hare, Senior Member of the Board, Mr. B. L. Gupta, Legal Remembrancer, and Mr. J. H. Kerr, Director of Land Records and Agriculture, and myself.

"The Bill now before the Council, with a few minor exceptions, is exactly as it left the hands of the Committee. The report submitted by the Committee was unanimous and concludes as follows:—

'Although certain provisions of the Bill do not entirely commend themselves to the non-official members of the Committee, yet it is considered that the Bill as a whole deals fairly with the difficulties which have arisen and with defects which have revealed themselves during recent years in the working of the Tenancy Act. They hope that it will result in the improvement of the relations between landlords and tenants generally, and they therefore submit it for the favourable consideration of Government.'

"I trust that a Bill which has passed the scrutiny of so competent and influential a body of non-official critics will also meet with favourable consideration in this Council.

"While, as I have already pointed out, this Bill owes its genesis in the main to the fact that local officers and the Settlement Department drew the attention of Government to the way in which the settlement records are being overridden and rents illegally and inequitably enhanced, yet the Bill now before the Council represents a serious attempt by Government to do all in its power to meet the reasonable and just demands of zamindars. Legislation, if it is to do justice to all parties, must as a rule end in a compromise between conflicting claims, and it is the duty of Government to see that the adjustment is as far as possible equitable. While therefore Government cannot hope that Bengal landlords will view with entire satisfaction every clause in this Bill, they do hope that the great body of landlords will share the views of their distinguished representatives on the Committee which considered the Bill and will accept it as one which 'as a whole deals fairly with the difficulties which have arisen and with the defects which have revealed themselves in recent years with the working of the Tenancy Act.'

"Probably no clause in the Bill will be more generally acceptable to landlords than the one which deals with the summary procedure for the recovery of rents. Many attempts have been made to devise some solution of the problem how to give landlords a summary procedure for the recovery of rents without danger of serious oppression to raiyats, and very competent authorities have pronounced the problem to be insoluble. The last serious attempt to provide a summary procedure for the recovery of arrears of rent was made by Sir Charles Elliott in 1895. A Bill was drawn up and circulated under his instructions, but met with very strong opposition and was dropped by Sir Alexander Mackenzie when it came before him as Lieutenant-Governor. The Board of Revenue strongly opposed the Bill, among other grounds, because it did not provide any means of enforcing the keeping of proper accounts of collections, because suits were to be tried by Civil Courts, and because the Act was to be introduced in areas where the maintenance of the record-of-rights was only insured by Bengal Act III of 1895, an Act which did not

provide for the mutation of names of proprietors nor for changes in the rents payable. The Board's strongest objection was perhaps that there was great danger in giving a summary procedure to landlords who might in some cases be dishonest and unscrupulous. Whether we have succeeded in devising a summary procedure which will stand the test of further careful inquiry and criticism is for the Council to decide, but I may point out various ways in which we escape the criticisms of the Board on the last attempt. The procedure is only to be given to landlords personally. This should exclude the dishonest and unscrupulous landlord. It is to be given only to landlords who allow their accounts to be inspected by Revenue-officers. This ensures that no landlord shall have such powers unless his accounts are properly kept.

"Finally the summary procedure is only to be given in areas in which the record-of-rights has not only already been prepared and published, but in which it is being periodically revised. The members of this Council will no doubt agree with me that such powers can only be given with the strongest safeguards, and the Local Government must have full power to give or withdraw such powers without assigning any reason. I foresee two main criticisms; one is likely to come from some landlords to the effect that the grant of these powers is so safeguarded that no one will be able to avail himself of them. I do not agree with this. I believe that zamindars holding lands in areas where a record-of-rights has been maintained will find no difficulty in getting Government to permit them to adopt the summary procedure, if they can satisfy Government that their accounts are properly kept up, and if they are known to be men of such probity and force of character as not only to be incapable of misusing these powers personally, but also to be able to prevent misuse of these powers by their servants. On the other hand, I have little doubt that it will be urged that, however much these powers are safeguarded, it is still too dangerous to give them to a landlord as the temptation to use them, so as to ruin any tenant who may set himself against his landlord, would be so strong that, however honourable the landlord himself might be, he would not be able to prevent his servants abusing the summary procedure. The reply is that there are two safeguards. In the first place, no zamindar to whom the privilege has once been given will be willing to forfeit it, and his whole interest will therefore lie in seeing that his servants do not abuse the privilege. The other safeguard is that cases will be heard by a Revenue-officer familiar with the circumstances of the estate. He would very soon find out if the summary procedure were being abused to coerce the raiyats.

"It is in my opinion futile to hope by means of legislation to be able to prevent the abuse by an unscrupulous man of his power to crush individual opponents by a dishonest use of his wealth and position, but in this case there are special reasons why a zamindar should be most careful to avoid abusing these special powers, or allowing his servants to do so. He would know that even one proved instance of the abuse of these powers would very likely lead to the privilege being withdrawn, while any general abuse of the privilege could not be concealed, and would certainly lead to the powers being withdrawn.

"While clause 33 is probably the one that will attract most notice as conferring a boon on the zamindars, a great deal has been done in other parts of the Bill to meet the legitimate desires of zamindars, and, to show how far this is the case, I will again refer to the representation of the British Indian Association of 1902 mentioned by me before. I will touch only on suggestions directly affecting the Tenancy Act.

"The first suggestion of the British Indian Association was that section 3, clause 5, of the Bengal Tenancy Act, should be amended; 'rent' being defined so as to include 'interest' payable on an overdue instalment of rent and cesses. Effect has been given to this suggestion in clause 4 of the Bill.

"The next suggestion of the British Indian Association related to sections 12 to 15. It was proposed to repeal these sections, and to re-enact the law as contained in section 27 of Act X of 1859, the tenant being bound in all cases of transfer to register the transfer in the landlord's *sherista*, and the tenant also having the right to sue the landlord for registration in case of

the landlord refusing to register the transfer. While Government has not accepted the suggestion of the British Indian Association that the registration of transfers be left to landlords, they have, in clause 5 of the Bill, provided that 'nothing contained in any deed of transfer to which the landlord is not a party shall be evidence against the landlord of the permanence, fixity of rent, specification of area, transferability or any incident of any tenure or holding referred to in such deed ;' and clause 6 of the Bill provides that 'the acceptance by a landlord of the fees payable under the foregoing sections in question shall not operate as an admission as to the permanence, fixity of rent, specification of area, transferability or any incident of the tenure or holding for which such fees have been paid, nor as an express consent to the division of the tenure or holding, or to the distribution of the rent thereof.' I trust it will be generally admitted that the compromise adopted by Government is a fair one.

"The third suggestion of the British Indian Association was to the effect that the entry of area of a tenure or holding in the rent-receipt of a tenant should be *prima facie* proof of the correct area of the land for which rent had been previously paid by him. While Government cannot go the length of accepting the proposal that an entry of the area in the rent-receipt should be accepted as *prima facie* proof, it would be too dangerous in the hands of some zamindars, they have in clause 11 of the Bill provided that where the landlord or tenant can prove that there is a custom in the village of settlement being made after measurement, it may be presumed that the area of the tenure or holding specified in any *patta*, *kabuliyat*, or rent-roll relating to it has been entered in such *patta*, *kabuliyat*, or rent-roll after measurement. Government believes that this provision will enable zamindars to prove excess areas with much greater facility than at present. The section as now drafted corresponds very closely with the actual practice of the Settlement Department, which, in this case, has leaned rather to the side of the zamindars, as, under the law as it stands, proof of excess area can rarely be given in such a form as to meet the demands of the Civil Courts.

"The next suggestion of the British Indian Association related to the difficulty sometimes experienced by co-sharers in collecting their rents. The provisions of clauses 34 and 35 of the Bill facilitate the realization by co-sharers of their rents, while protecting the raiyats against harassment by a number of suits by different co-sharers. The net result of these clauses is that a single co sharer is empowered to sue for the rent due to all the co-sharers, and the tenure or holding passes in execution of a decree obtained in such a suit, provided that the other co-sharers have been made parties, while the sale-proceeds are divided among them in proportion to the amount found due to each.

"The next suggestion of the British Indian Association related to the thorny question of distress of crops. The Association suggested that the landlord should have the first lien on the crop, which should not be allowed to be removed until the rent was paid. This suggestion cannot be accepted by Government, as, in the hands of an unscrupulous zamindar, it might be made an intolerable engine of oppression. As, however, it appears that the powers of landlords to distress crops are at present frequently nullified by tenants filing applications before Collectors for appraisement of crops in respect of which the Civil Courts pass an order of distress, thus protracting the proceedings some times for years, it is provided by clause 14 that no order should be passed on an application under this section after an application under section 121 for the distress of the crops of a tenant has been made by the landlord and admitted by the Civil Court. And if after an order has been passed under this section, it appears that an application for the distress of the tenant's crops has been made to the Civil Court before the application was made under this section, the Collector shall stay all proceedings under this section.

"The next suggestion of the British Indian Association related to the method of the service of summons on the defendant, and it was suggested that there would be less room for fraud than at present if the summons were served and acknowledgements of service received by the Postal Department. This is a

matter with which the High Court can deal, and the High Court has been addressed on the subject; but it appears more likely that fraud can be reduced by the service of summons through panchayats. Experiments in this direction are being made at present in several districts where revenue processes are being served through Presidents of panchayats instead of by Nizarat peons.

"The next suggestion of the British Indian Association related to the fact that false pleas were frequently raised by tenants of having fully paid the rent claimed in the suit, and they suggested that the law should make it compulsory for a tenant to deposit the entire amount of claim, or a receipt for the same, before allowing him to enter a defence. This question was raised before the Committee which dealt with this Bill in connection with *ex parte* decrees, but it was pointed out that the landlord's proper remedy was to apply to the Court for damages.

"The last matter dealt with by the British Indian Association, so far as the Tenancy Act is concerned, referred to the application of section 311 of the Civil Procedure Code to all sales of tenures and holdings under the Bengal Tenancy Act. This has been dealt with in clause 37 of the Bill, which provides that, if a tenant chooses to have a sale set aside by paying the decretal amount, he cannot subsequently also proceed under section 311 of the Code of Civil Procedure.

"I have dealt at some length with the British Indian Association's letter, because I think it will show how careful Government has been to consider every reasonable request made by landlords to alter provisions of the Bill which bear unnecessarily hardly upon them.

"I may note two other provisions introduced in this Bill in favour of landlords. The first clause I would refer to is clause 13, which is designed to check the attempts so frequently made by tenants to convert suits for arrears of rent into title suits, by setting up title as landlord in a third person or in themselves. It has been proposed that, on the analogy of section 11 of the Transfer of Property Act, the penalty for denial of landlord's title should be forfeiture of the raiyati rights. This, however, would appear to be too severe a punishment. In many cases, especially where a tenant has to deal with a number of zamindars with conflicting interests, he would often be in a very difficult position if he did not entirely identify his interests with one of the parties, and taking all the circumstances into account, it seems that a maximum penalty of ten times the amount of annual rents is sufficient.

"Another clause which has been inserted with a view to meeting the convenience of zamindars is clause 31(2) of the Bill, which provides—

"Where any account-books, rent-rolls, or collection or measurement papers have been produced by a landlord in any Court in a suit pending therein, copies of, or extracts from, such documents, which have been certified by a duly authorized officer of such Court to be true copies or extracts, may be admitted in evidence in proof of the originals in any other suit instituted in the same or another Court, unless the Court in which such copies or extracts are produced sees fit to require the production of the originals."

"It lays down provisions similar to those of the Bankers' Evidence Act as regards landlords' account-books, rent-rolls, collection and measurement papers. In such cases, when the originals have once been produced in Court in any suit, the landlord is permitted to file copies or extracts from such documents in subsequent suits, subject to the right of the Court to ask for the production of the originals if necessary.

"I have now to draw the attention of the Council to those clauses of the Bill which deal with illegal and improper enhancements of raiyati rents, the failure of many zamindars to give receipts, and the disregard of the settlement records by the Civil Courts.

"The Board's letter of 1904 and its enclosures, regarding the protection of raiyats from illegal or undue enhancement of rents, affords melancholy reading as showing the extent to which zamindars in many districts in all parts of the province have abused their powers. I cite a few instances. The Collector of Jessor reports that landlords compel their tenants to agree to illegal enhancement, by suing for rents every *kist*, or by allowing arrears to mount up. Receipts are not given, or the details are incorrectly filled in. From

Murshidabad, the Collector reports that in some cases the zamindar manufactures evidence of increased rents by false entries on counterfoils of receipts. A special method of enhancing rents is described as follows:—

‘Advantage has been taken by the clever advisers of certain large zamindars of the High Court’s decision contained in Indian Law Reports XVIII, Cal., page 333, which lays down that a raiyat, to avoid litigation, can enter into an agreement for an excessively enhanced rent. Within two or three years of the ruling, *viz.*, about 10 years ago, criminal cases, suits, etc., on a large scale were brought or threatened against the raiyats of a certain zamindar. The Munsifs now hold under the above ruling that excessive enhancements made in consequence of such litigation, threatened or real, are legal.’

“The Collector of the 24-Parganas reported that proper receipts for rents were seldom given, and pressure was thus brought to bear on the tenants. From Darbhanga, it was reported that a favourite method of obtaining enhancement was to take deeds of surrender from raiyats, purporting to be an honest endeavour to rectify obvious mistakes of the Settlement Department without the trouble and expense of going to Court, while, as a matter of fact, the *ikrarnamas* were not voluntary. I have in my hands a copy of the Board’s letter, and of its enclosures, from which I could quote many other passages, but I think enough has been said to show that Government has to deal with a very serious and widespread abuse of the law, and, unless the facts are seriously disputed, I do not propose to go at length into the evidence as to the abuse, which in the first instance led to the initiation of legislation. Here, again, Government is most anxious not to adopt any measures which would hamper all zamindars, good and bad alike, in their dealings with their tenantry. Government desires that it should be in their power to discriminate between good and bad landlords, and even in those cases where some general provision appears to be necessary affecting all landlords alike, we have done all that seemed possible to make the burden as tolerable as could be done.

“I have already said that it is impossible to prevent by legislation alone the abuse of power by one man over another. No legislation can prevent a wealthy man who desires to ruin a poor one from doing so, but Government can and ought to prevent the oppression of one class by another as a whole. Thus, while it may be practically impossible to prevent a powerful and unscrupulous zamindar from treating unfairly some particular raiyat, I believe Government can interpose with success where a zamindar is treating unfairly the general body of his tenants.

“The clause of the Bill on which I rely most as giving Government power to intervene in favour of an oppressed tenantry is, clause 25. The wording of the clause will probably be altered in Select Committee. It has been introduced in its present form, mainly to permit of a declaration by Government that, if section 112 is retained as a part of the Tenancy Act, it will be at liberty to use it under any circumstances in which it may seem equitable to exercise this power. Section 112 was, in 1885, made a part of the Act, with the avowed object of applying it only in the case of areas affected by agrarian disturbances.

“Sir Steuart Bayley, when speaking in Council, said: ‘We have, however, provided for a special settlement to meet special circumstances. Under the special settlement (section 112), the Settlement Officer will have power to settle all rents, and will, moreover, have power to reduce rents on other grounds than those ordinarily applicable, and all such rents as he settles will hold good for the same term of years as if fixed under a judicial decree. But this procedure, which gives unusual powers of interference, and which is meant to be applied only in circumstances in which the operation of the ordinary law is likely to prove insufficient, requires some strict safeguard. We have therefore provided that it shall only be applied after the previous sanction of the Governor General in Council has been obtained. It is an extreme power, intended to take the place of Sir Richard Temple’s Agrarian Outrage Act, and I trust it will be resorted to as little as that Act was.’

“Government, therefore, considers it necessary distinctly to raise this issue before Council, as it is now proposed that the use of the section is not to be restricted in this way. I may also point out that the section as amended by

clause 25 of the Bill provides a feasible means of settling rents while as section 112 stands at present, it is not at all clear what method is to be used in settling them.

"It will be seen that the section, as it is now proposed to use it, places in the hands of Government a very powerful weapon against oppressive landlords. The provision that it can only be enforced with the previous sanction of the Governor General in Council ensures that a strong case will have to be made out before it is put in operation.

"I could, if it were necessary, bring before the Council a great deal of evidence to show that one of the commonest forms by which landlords obtain unduly enhanced rents is to force their raiyats to agree to a compromise, either before a Revenue Officer or in the Civil Court, whereby they obtain an enhanced rent far larger than could have been obtained by a contract. Such compromises stand on a very different footing from equitable agreements entered into by the parties to a suit, with a view to avoiding litigation regarding points really in dispute. Here the whole object of the litigation is to enforce a demand which the landlord knows he cannot obtain in fair fight, and to give a legal colouring to an improper enhancement. Clauses 24 and 30 now make it incumbent on the Revenue or Civil Courts, as the case may be, to look into compromises and see whether they are in accordance with the law, and even if they are not illegal, the Courts may reject them if they appear to be unfair and inequitable.

"There is a great deal of evidence before Government, which it seems unnecessary to produce before the Council (I do not think the facts are disputed), that the Civil Courts, as a rule, take no notice of the record-of-rights unless the parties to a case put them in. I do not in the least blame the Courts. The Judges are in this matter following the usual procedure in only dealing with such evidence as is brought before them by the parties, but Government cannot contemplate with equanimity the futility of having a careful and exhaustive record-of-rights prepared, which is not used by the Courts, and provisions have been inserted in clauses 30 and 31 of the Bill with the object of compelling the Courts to deal with the record-of-rights where relevant to suits between landlords and tenants. As the matter is one of considerable importance, I read the provisions of the Bill bearing on this point:—

'147B. In all areas in which a record-of-rights has been prepared and finally published

Regard to be paid by Civil Courts to entries in record-of-rights. under sub-section (2) of section 103A, a Civil Court shall, in all suits between landlord and tenant as such, have regard to the entries in such record of-rights referring to the land in dispute which may be produced before it, unless such entries have been proved by evidence to be incorrect, and, when a Civil Court passes a decree at variance with such entries, it shall record its reasons for so doing.'

"Again, in clause 31, sub-section (2), it is enacted that—

"Where the suit is for the rent of land situated within an area in which a record-of-rights has been prepared and published, the plaintiff shall, unless the Court is satisfied that the plaintiff was prevented by any sufficient cause from furnishing such statement, further contain a statement of the rental of the tenancy according to the record-of-rights:

Provided that, if the Court sees fit at any time to require it, a verified or certified copy of, or extract from, the record-of-rights relating to the tenancy shall be produced by the plaintiff, or shall, if necessary, on the requisition of the Court, be supplied by the Collector without payment of fee.'

"I would ask Hon'ble Members to notice that section 31, sub-section (2), has been so framed as to reduce the trouble to the landlords to a minimum, as a bare statement of the rental of the tenancy according to the record-of-rights will in most cases suffice.

"Another very prevalent abuse is the failure of many landlords to give proper receipts. Section 58 of the Tenancy Act deals with this matter, and provides that a landlord who refuses or neglects without reasonable cause to give a receipt, or who fails without reasonable cause to prepare and retain a counterfoil or copy of a receipt, shall be liable, in the one case to a suit for a penalty, and in the other to a fine. In practice, the section has proved a dead letter. I do not think anyone will dispute the importance of

requiring landlords to give proper receipts and to retain counterfoils or copies of the receipts; but if it is to be enforced, some new system of dealing with the offence is necessary. The Bill accordingly provides (clause 12) that cognizance of the offence may be taken by the Collector, not only upon complaint, but also upon information from a Revenue Officer or report from a Civil Court, and the duty of reporting is laid upon Revenue and Civil Courts. I may note that, to prevent abuse of this section, it has been provided by clause 12, sub-section (7), of that—

'Where, in any case under sub-section (3), the Collector acquits the landlord or his agent, as the case may be, and is satisfied that the complaint or information of the tenant on which the proceedings were instituted is false or vexatious, the Collector may, in his discretion, by his order of acquittal, direct the tenant to pay to such landlord or agent such compensation, not exceeding fifty rupees, as the Collector thinks fit.'

"I have now touched on the points in the Bill to which it appears to me most important to draw the attention of Council.

"There are several other sections to which I would have liked to have drawn the attention of Hon'ble Members, but as they do not appear to me to affect the principles of the Bill, I must content myself with referring to the Statement of Objects and Reasons.

"I have trespassed for sometime on the indulgence of the Members of Council, but I trust I will be forgiven, considering the importance of the subject. I have no doubt, if the Bill comes before a Select Committee, it will be possible to make many improvements in details, but I hope the general principles on which the Bill has been framed will commend themselves to this Council."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"With Your Honour's permission I shall make a few observations of a general nature on the scope of the provisions of this Bill. There are no doubt provisions in it which make the position of landlords and tenants as regards each other clearer than they are under the existing law, and as such the Bill must be welcomed by both landlords and tenants; but before I go further into the provisions of this Bill there is one observation which I wish to make with Your Honour's permission: the present Bengal Tenancy Act, as the Council knows, applies to both Divisions of Bengal; the amendments which are now sought to be made will only apply to the Western Division. At one time when those of us who opposed the partition of Bengal put forward the argument that at no distant date the landlords of the two Provinces would become dissimilar there was no sufficient answer given, and the argument was brushed aside as not sufficiently patent or strong; but, Sir, within a very short time of the partition of Bengal the old province is going to introduce substantial modifications into the existing law. It is not known whether these modifications will be adopted in the new province; it was whispered at one time that the late Government of Eastern Bengal and Assam were opposed to the introduction of a measure like this into their Province. It may be that with the change of Government in the Eastern Province that opposition will no longer be pressed, but difficulties will arise especially in parts of the country where the boundaries abut on one another, in the administration of justice, particularly with regard to the landlords of Bengal. It is no imaginary difficulty. Sylhet at one time part of the Province of Bengal until it was transferred to Assam. The laws of Sylhet remain where they were at the time of the severance; whereas the landlords of Bengal had made considerable progress since that time. With these observations I proceed to the consideration of some of the principles contained in the Bill.

"As regards the minor provisions, there is not much to be said, and whatever may have to be said will be said at the proper time. It is a great thing to be able to say that fees towards which covetous eyes were cast from various quarters are after all to go to the landlords, and there will be no fear of the rights of the landlords being jeopardised by the acceptance of those fees.

"There is one provision of the Bill as regards compromises to which pointed attention was called by the hon'ble mover of this motion, that in pending suits compromises entered into between landlords and tenants are not to be given effect to unless they are ratified by the Court, and the Court will

have power to set aside those compromises if it thinks fit. There may be, and I regret to say there have been cases, in which undue pressure has been put upon the tenants and in which rents have been enhanced without any sufficient justification, but when tenants and landlords are at arm's length, before the Court fighting each other, and the tenants have the benefit of legal advice, I do not see why the powers ordinarily exercised by litigants of coming to a settlement of their disputes should be withheld from suits of this description. To my mind, Sir, it seems that no sufficient case has been made out for withdrawing from these suits the powers which ordinarily litigants exercise in coming to a settlement of their disputes.

"Another provision of the Act which to me seems objectionable is where the Settlement Officers, in the case of temporarily-settled estates, are given the power of not only revising the assessment, but also of fixing the rents which ought to be paid by the tenants to the landlords; the argument put forward in support of this provision is that landlords may probably follow the suicidal policy of entering into contracts with their tenants for a lease of their holdings at rents lower than those which they ought to obtain from their tenants. I do not know if such a course is likely to be followed. I once heard a story of a man who, with the object of gaining some influence and position, had submitted returns of income to the Income-tax Office which were far in excess of what he actually received, but he soon came to grief over his folly. I am quite sure that those who know how tenants are able to protect themselves in most areas will find that if the landlords enter into such collusive bargains with their tenants, they will soon come to grief, and there is a feeling which I cannot get rid of that probably this provision is intended to put on the screw for the purposes of enhancing an assessment, and for the purposes sometimes of setting aside contracts which have been honestly entered into between landlords and tenants as regards the rents of their holdings. But these and others are matters of detail with which I shall not trouble the Council at this time.

"There is, however, one very serious question,—and it is a question of principle—involved in this Bill, to which I wish to draw the prominent attention of this Council, and that is the power of adopting the certificate procedure which is proposed to be conferred upon selected landlords. As a landlord in a small way myself, I should probably welcome that power and that privilege, but at the same time I cannot put away from my mind the apprehension that this power may be a source of grave danger to those who seek to receive and exercise it. In the first place, this section which provides for this power being given is absolutely silent as to the conditions under which the power may be given, it is absolutely silent as to the conditions under which the power may be withdrawn; the only condition is that the area must be an area in which the record-of-rights has been completed. The other conditions which should be annexed should be that the landlord is an honest landlord, that he has dealt fairly by his tenants, and that there are no agrarian disputes in his zamindari, but these are things which are nowhere expressed; the Government will give the power and Government will withdraw the power without assigning any reason whatever.

"Sir, it is not unknown to Your Honour that in many matters connected with the administration of the State, zamindars have not been able, for various reasons, to associate themselves publicly; there has been always the fear of offending the authorities and incurring their displeasure and losing some benefit or the fear of gaining a decoration or a title being for even lost. This attitude of the landed classes has been, if I may be permitted to say so, a source of grave weakness alike to the State and to the people, and I may also say of danger to both. It is meet and proper that the land-holders should take their allotted place in all public movements. Under this Bill substantial benefits are to be conferred on landlords, and they may be apprehensive that these benefits will be withdrawn by Government in case they associate themselves with public movements which may have for their object the criticism of Government measures or of Government action. I see no adequate compensation in the provision that is now sought to be introduced

for the loss which the community and Government alike will suffer, for it cannot be denied that all public representations would gain in weight and would receive greater consideration if they had the support of the landed classes of the country.

"We do not know for what trivial offence a zamindar may be punished: he may fail to put in an appearance at a landing ghât to present a welcome: he may fail to check some boyish pranks in his zamindari, or a small riot connected with some trivial event, and his power goes or may go. Government, if it thinks fit to answer his petition and his prayer, the answer may be 'no,' and say we are not bound to give any reasons. Sir, I admit that there would be great gain if this power were conferred upon the zamindars, but I humbly press upon Your Honour and upon my colleagues in Council to lay down conditions which would be known, which could be followed and not make this power so absolutely in the gift of the Government both in conferring as well as in withdrawing it. I am quite aware that probably that is an aspect of the question which has not been thought of either by those who have asked for this power or by the Government which is willing to grant it. I do not oppose at the present moment the inclusion of this clause in the Bill, but the observations that I have ventured to address to the Council are in the hope that public attention will be called to this subject, and that it will be fully and completely discussed by all bodies whom it may concern or affect. I also hope that those who will have the responsibility of the passing of this measure will pay due attention to what I have ventured to urge in this Council."

The Hon'ble MR. BERTRAM said:—"Sir, I support this measure though I may say I am ignorant on the subject of land: I only own six feet of land in England, but it seems to me that as the Government of Bengal propose to make amendments in the Bengal Tenancy Law, which is not an every-day occurrence, it is right that the law should be brought up to date. I notice that the Punjab Government are legislating, or intend to legislate, to give tenants a remission of rent or the equivalent of that which is allowed by Government at the time of famine. I see no reference to this in the Bill that the raiyat in Bihar, for instance, is re-imbursted for that remission of rent which the landlord gets.

"Then, Sir, there is another point to which the hon'ble mover of this Bill referred to, namely, that it is the outcome of the work of a Committee consisting of landlords and Government servants. I did not hear him say that any representatives of the man, who carries the burden and has to pay the rent, were heard on the subject. I did not hear from the hon'ble mover any reference to the fact that the views of representatives of the raiyats of the country were taken.

"There is another point: this Bill does not make provision for the three F's: fair rent, free sales, and fixity of tenure. This proposal received recently the very serious attention of the gentleman who once officiated in the Chair which Your Honour occupies. Bengal suffers under the great disadvantage of being under the Permanent Settlement, and it is therefore very difficult in these matters, when the tenant of Bengal has to compete against all the tenants of the world, that he has to pay a really heavier rent than the crops, which he produces can fairly bear. One provision of this Bill, section 33, I really think should not eventually be passed; it would create a special tribunal for the benefit of the landlord, and that is not at all right, but I speak with all reserve in this matter, because at the proper time my constituents will instruct me exactly what position I am to take up in this matter; but it seems to me that to make special provision in order to benefit a specially good landlord is rather a bad system to introduce; to differentiate between landlords when the tribunals are open to all is, in my opinion, a serious blot in the Act. The object of course is to make all landlords good little boys.

"There is another section which does not go sufficiently far, namely, section 43. I think the framers of this Bill should not only have given the six months' notice of the expiration of the term, but provision should have been made in the Bill for compensation for unexhausted improvements.

"These are some of the points which I shall take up later on."

The Hon'ble BABU RADHA CHARAN PAL said:—"Sir, I cordially support the principles of this Bill, although I reserve my comments on the details of the Bill for a future occasion. I cannot but express my thankfulness to the Government for the careful attention which the Government has been pleased to give to the representations of the British Indian Association on this subject. It has been remarked by the Hon'ble Mr. Bertram that the Committee which was appointed by the Government to consider this question did not contain any representative of the raiyat. I do not know what my hon'ble friend means. He has been long enough in this country, and I believe he was also in this country when the Bengal Tenancy Act of 1885 was introduced. I well remember, although I was very young at the time, the great hue and cry that was raised when the Central Committee of landholders of Bengal and Bihar was called upon to nominate a representative of the zamindars by a section of my community led by the Indian Association of Calcutta, that a representative of the raiyat should also be nominated to sit side by side with the representative of the zamindar on the Imperial Legislative Council. Public meetings were held at the time, and a demand was made upon the Government, and what was the reply of the Government? It was the Government of no less a personage than Lord Ripon; and the reply was that the Government constituted the custodian of the rate-payers, and that there was no better representative of the raiyats than the Government itself. I am sure my friend did not mean to say that the able members of the Civil Service, who constitute the Government, do not protect the interests of the raiyats; I do not mean to say that all the suggestions of the zamindars have been accepted in their entirety, but I am glad to say that their representations have received careful attention.

"I do not at the present stage desire to enter into a criticism of the various provisions of the Bill. Although, as I have said, I cordially support the principles of the Bill, I reserve my comments on some of the details, but I am sure that the measure taken as a whole will be welcomed by the community generally."

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"Sir, I am a new Member to the Council, and I did not propose to speak on this occasion, but the observations that have fallen from the Hon'ble Babu Bhupendra Nath Basu and the Hon'ble Mr. Bertram oblige me to say a few words in support of the principles of this Bill. It is no good saying that the principles of the Bill in the main are good when you say that you do not approve of the summary procedure for the recovery of rent laid down by this Bill. That is the main provision of this Bill, and those gentlemen who want to get rid of that and still support the Bill do not support it at all, but on the contrary oppose it.

"This Bill is the outcome of the deliberations of a very important and influential Committee consisting of some of the most intelligent landlords of the country, and such officials as are regarded in this country as special friends of the raiyats, and therefore to say that this Bill is meant only in the interests of the landlords is not correct. The Hon'ble Babu Bhupendra Nath Basu thinks there would be great danger if the power of the certificate procedure were conferred on some landlords, and that apprehension has been endorsed by the Hon'ble Mr. Bertram; but if we do give the power of the certificate procedure to the landlords, it would be very improper to give it to all. If that were so, I would certainly oppose it, because all landlords are not good landlords, and the Hon'ble Babu Bhupendra Nath Basu will probably agree with me when I say that that being so, somebody must make a distinction between good landlords and bad landlords; and who is to do that except Government?

"Then, again, a slur has been cast upon the entire class of landlords that they are always seeking after titles and are subservient to the wishes of the officials. The Hon'ble Member ought to know that during the last one year or so, landlords have never subordinated their wishes to the wishes of officials at a time of stress and strife, probably unwisely. This, therefore, must be understood that the summary procedure which is sought to be laid down by this Act is the central idea of the Act; the landlords have accepted it, and there are so many

provisions in this Bill to which were it not for the certificate procedure, landlords would have the right to object, for example, one matter which has been referred to by the Hon'ble Babu Bhupendra Nath Basu, namely that of compromises. They can only be entered into when approved by the Court. This is certainly opposed to legal ideas, but the officers of Government who probably are more inclined to favour the raiyats than the landlords thought that was necessary, and I for one am prepared to accept it.

"There are many provisions of this Bill which are only in favour of the raiyats, and the landlord would certainly object were it not for the certificate-procedure. Who does not know that the recovery of rent by landlords is a very difficult process? In the first place, they would have to bring suits and then take out executions; when the money is realized, they have to pay their lawyers; and though I belong to the latter class myself, I regret to say that very little goes to the landlord. Now, Sir, I very humbly say that I for one am prepared to support the Bill in its entirety. Certain of its details will be hereafter considered, but as regards the principles of the Bill, no objection can, at this period at least, be taken. When I say this in favour of the Bill, I ought also to put forward certain considerations which influence me in supporting it.

"I am convinced that this Bill is a beneficent measure proceeding out of the good-will which Your Honour bears to the people under your charge. I also know that it has been considered and approved by a very influential Committee, and I myself had the privilege of thoroughly going through its provisions having been consulted by some members of that Committee. But circumstances have arisen since the conception of the measure by Your Honour which have thrown unforeseen difficulties in the way of the scope of its beneficence. Your Honour meant to benefit the whole of Bengal under your charge. Now a very important portion of it is under a different Legislature. Many of the landlords of Western Bengal hold zamindaris in Eastern Bengal, and they would consider it a grievance if they are unable to take full advantage of this measure. It is, therefore, advisable to take such steps as may ensure its being made law in both Bengals. The simplest way to do that would perhaps be to get it passed by the Legislative Council of India. The Bengal Tenancy Act is an Act of the Supreme Council, and ordinarily all amendments of it should be made by that Council. I am aware that by the Indian Councils Act, power has been bestowed on this Council to amend an Act of the Supreme Council, and that the Bengal Tenancy Act has before this been amended by this Council. Still the matter is not quite free from doubt. However that may be, it would certainly be expedient under the present circumstances to get the Bill passed by the Supreme Council. There is probably another course, namely, to get the measure passed both by this Council and by the Council of Eastern Bengal and Assam. But how this Government or this Council can control the action of the other is difficult to see. I place these considerations before Your Honour for your decision. Your Honour had the people of both Bengals under your charge for a long time, and even now the people of Eastern Bengal are deserving of your care."

The Hon'ble MR. CHAUDHURI said:—"Your Honour—I am opposed to the introduction of this Bill in the Bengal Council. But if it is the pleasure of the Hon'ble Members present here that the Bill should be introduced in this Council, I would take exception to certain novel principles introduced in this Bill. I do not desire to offer now any detailed criticism of the Bill, although the Bill contains many clauses on which detailed criticism will be necessary before they become law. At present, I shall confine my observations only to those provisions of the Bill to which I object as a matter of principle.

"The Bengal Tenancy Act is a Government of India Act which, after considerable deliberation, was passed to determine the rights and obligations of landlord and tenants in the whole of Bengal. But Bengal is no longer one and the same Province. My hon'ble friend, Babu Bhupendra Nath Basu, has anticipated me in objecting to the Bill on account of the Partition. I pointed out in my last Budget speech the confusion that is bound to result from the amending of the land-laws of Bengal in two different ways from

Eastern and Western Bengal. I shall only mention to-day two instances which will convince every reasonable man of the inadvisability of such a course. I come from a part of the new Province which is on the other side of the river Padma. Rajshahi and Pabna to which I belong are only separated from the Murshidabad and Nadia districts of this Province by the river Padma, which is constantly shifting its course. Now, one uniform system of land-laws govern both sides of the river. When the laws are different, in every case of shifting of the boundaries a conflict and confusion in the laws is sure to arise. Take another instance. The Faridpur District of the new Province is only separated from the Nadia District of this Province by an arbitrary line. It is a fact that there are many houses, in the borderland of both, of which the outhouses and inner apartments now fall in two different Provinces. This is not only the case with homestead lands, but there are many agricultural holdings which are also similarly situated. It is obvious, therefore, that any substantial amendment of the Bengal Tenancy Act by this Council will result in serious conflict.

"For instance, it is proposed by this Bill that a decree by a co-sharer landlord should henceforth be regarded as a rent decree when the other co-sharers are made parties. The result of this would be that the tenure or holding would pass in execution of such a decree to the purchaser. The law at present in the new Province is that the decree by a co-sharer is a money-decree, *i.e.*, the tenure or holding does not pass in the execution of such decrees. When a portion of the holding or tenure is in one province and a portion is in another, what will be the result of such a decree after this Bill is passed? No judge on earth can say. Then it is admitted in the Bill that the majority of the estates in these Provinces are held by co-sharer landlords. It is well known that co-sharers do not always live in one province. If one sues any tenant in respect of any such tenures or holdings for arrears of rent and joins his co-sharers in the other province, are the latter bound to regard the decree as rent decree or recognize the title of the purchaser? Surely not. Unless such provisions of the Bill are simultaneously introduced and passed by the Legislature of the new Province, all such legislation will result in endless confusion. What a sad commentary is this on the Partition! What justification is there for setting up a new Legislature if it exists only to copy *in toto* what is done in this Council Chamber?

"But since there is no guarantee that the Legislature of the new Province will continue to copy our measures, I would suggest that Bills of this nature should be introduced in the Council of the Governor General of India to secure the uniformity of the laws. Regarding the merits of the Bill I cannot but take exception to some of the more important innovations sought to be introduced by this Bill.

"First, it seems to me that it is proposed to invest Revenue Officers with certain powers which properly fall within the province of Law Courts. For instance, in clause 24 of the Bill, power is given to Revenue Officers to reject 'agreements,' and 'compromises' in preparing a record-of-rights. If the 'agreements' are unconscionable, it is the function of Law Courts to set them aside. A Revenue Officer does not seem to me to be the proper person to reject them. I presume, that his rejection of an agreement will not amount to its cancellation. In such event, such arbitrary rejection will only precipitate litigation which is neither good for the landlord nor for the tenant. What is worse, however, is the power proposed to be conferred on Revenue Officers to reject 'compromises.' The expression 'compromise' may include consent decrees of a Court of Law. Thus to invest the Executive Officers—Revenue Officers are ordinarily Executive Officers or the immediate subordinates of such officers—with powers to ignore even the decrees of Law Courts is surely open to serious objections.

"In the second place, I must confess that I do not appreciate the direct intervention of the executive authorities for the reduction of rent, as is proposed under clause 25, in cases where zamindars are believed to be illegally enhancing rents above those recorded in the record-of-rights. There are no doubt landlords, who do such things. But a tenant can surely get

relief in such cases from a Munsif's Court. In case of agrarian disturbances resulting from such illegal enhancement, the State has an undoubted right to interfere and put an end to the cause of the disturbance. But in the absence of actual agrarian disturbances, I presume, the Local Government must proceed upon private report which may not always be reliable. In such cases, interference on the part of the Government is sure to create bad blood between the Government and the landlord on the one hand and the landlord and the tenant on the other. The much simpler remedy of the tenant seeking relief against such illegal enhancement from the Law Courts is free from such objections.

"The third matter regarding which I must also record my firm protest is the granting of the privilege of realizing rent by what is known as the certificate procedure to some selected or approved landlords. It will indeed be a very invidious task on the part of Government to mark out the landlords as good or bad. I am thoroughly at one with my hon'ble friend, Babu Bhupendra Nath Basu, that this would lead on to the utter demoralization of the zamindar class. Every one will attempt to be in the good books of Government. It is seldom that Government sees with its own eyes or hears through its own ears. It is often the local officers who influence the visions of Government. If a zamindar can please a District Magistrate and Collector—he may not be an ideal zamindar or even a good man, and yet he may please the District Officers in many ways—he may be recommended for the privilege of realizing rent from his tenants by the summary procedure. It is the zamindars of rank and position to whom the Government or Government Officials are accessible, and it is often the ambition of such zamindars to please the Government officials any how they can. So, after all, it is this class of people who may ultimately secure the privilege of summarily realizing rent up to the hilt even in times of distress. My sympathies are with the smaller landlords, who are in touch with their tenants and whose weal or woe depend on the crops and contentment of their tenantry. As good wine needs no bush, so a good landlord needs no extraordinary process to collect his ordinary dues."

The Hon'ble BABU JOGENDRA NATH MUKERJEE said:—"Your Honour: my justification for saying a word or two with reference to this Bill is that I come from the mufassal, and naturally I have a very strong interest in the Bill as it has been placed before this Council. It would undoubtedly have been far better if an Act like this could be passed by the Government of India, but I should say the fact that it has been introduced into this Council is not an unmixed evil. I would rather court discussion from Hon'ble Members of this Council than have it discussed before the Supreme Council, because here we get men who come direct from the districts who are in touch with the people, and they at any rate are able to pronounce opinions on the working of this Bill. However, the question of a Bill like this being considered by the Supreme Government is a question of great importance, and no doubt Your Honour's Government will pay due attention to this part of the question when the time comes.

"There are a great many provisions in this Bill which are undoubtedly very good; they clear ideas, remove difficulties and make smooth the working of the Bengal Tenancy Act; and as I have noticed in the course of the working of the Bengal Tenancy Act, Courts and Settlement Officers are sometimes quite at sea as to what they should do in many cases. Yet there are certain principles which require a word or two from me, and one of those principles is that relating to the classification of good and bad landlords. The object of Government, so far as I can make out, is that landlords in respect of whose papers there cannot be any question, and can be considered as reliable, should be afforded certain opportunities of quick recovery of rent; but on the other hand it is open to serious objection as has been pointed out by my friend, the Hon'ble Babu Bhupendra Nath Basu. The question therefore arises: cannot the same object be achieved by different means instead of distinguishing between good and bad landlords?"

"Now, I understand that throughout Bengal, Chapter X will be in operation, and as this Bill contemplates, some evidential value is to be placed on the record-of-rights which was not to be found in the existing Bengal Tenancy Act. If that was made the basis of our operations, and the certificate procedure was done away with, that would probably relieve some objections that have been raised in this Council. At the same time this Council will have to consider how far the record-of-rights will be considered as reliable, and I submit that, side by side with this question of the recovery of rent by an easy and quick process that has to come to the fore-front, we have to consider how these record-of-rights came into existence. We have the Kannapura Estate, where we have got ignorant men who have a special language, peculiar ideas, who cannot be considered as educated at all, and they supply the basis to the superior officers, sometimes a basis has to be formed by somebody swearing by the tail of a cow. If instead of these men we could have a class of men who were better educated and better able to consider the *pros* and *cons* of evidence, we should certainly have a better state of things so far as the record-of-rights is concerned; and if some evidential value was attached to the record-of-rights than is to be found in the existing condition of things, I think the solution of this question might be arrived at in a more satisfactory way. I am not desirous at present to hamper the deliberations of this Council by any hasty remarks. I have studied the Bill to some extent, and I have got to submit a great deal on certain points, and when the proper time comes I will lay them before Your Honour and this Council; but these are general observations which might well be considered.

"I now wish to say a few words with reference to what has fallen from the Hon'ble Babu Radha Charan Pal. He has accepted it as an undisputed fact that the zamindars as a body have accepted the principle of this division of the community of zamindars. We do not know what zamindars were consulted. Some big zamindars who were in touch with Government officials were consulted, but the general body have not been consulted. There are many zamindars who have not been consulted, and how they will take this proposal it is difficult for us to say, so that we must accept the remarks of my friend with these reservations. I do not propose to take up the time of the Council any longer, and with these remarks I beg to resume my seat."

The Hon'ble RAJA BAN BEHARI KAPUR said:—"Your Honour: the Bill which is being introduced in the Council by my colleague, the Hon'ble Mr. Carlyle, is the outcome of the mature deliberation of a Committee appointed by Your Honour to fully consider the advisability of amending the Bengal Tenancy Act of 1885. The Committee was fully representative, and the interests of both the landlords and tenants were carefully discussed and safeguarded.

"The Bill when it passes into law will, on account of the removal of some existing ambiguity and anomalies, be clear and operative on some points.

"The Bill supplies the long-felt omissions, removes defects, and provides improvement wherever it is needed by amendment of the existing clauses and the addition of new clauses on several heads.

"Though the Bill does not supply the want of facility for the collection of rents by the zamindars, and does not go far enough towards making process of recovery of rents less cumbersome for the landlords, yet it will help those estates that have been surveyed and furnished with record-of-rights, as with certain restrictions it contemplates to allow the owners of such estates to use the certificate procedure for the realization of the rents, etc., due to them.

"Certain clauses in the Bill may appear to bear rather hard on the landlords, but the circumstances constrain the Government to reserve some powers to deal with cases of extreme hardship on the tenants of certain areas. Before I conclude, Sir, I beg to say that the Bill before us, when it passes into law, will, in many respects, prove a boon both to the landlords and tenants, and

there is some possibility of its improving the relations between them. Therefore I have the honour to support the introduction of the Bill now before the Council."

The Hon'ble MR. ALLEN said:—"Your Honour: the Bill now before the Council is probably the most important piece of legislation on rent matters since 1885, and no doubt its provisions will receive the full consideration of this Council at a later stage. I do not propose to consider these matters further at present, more especially as it is hardly likely that the Bill, as drafted, will emerge from the consideration of the Select Committee in precisely its present form. I only wish to detain the Council, in order to assure them, as well as the Hon'ble Mr. Bertram, that some observations of his with regard to the conditions of rent legislation in Bengal are scarcely warranted. The Hon'ble Mr. Bertram has found fault with the Government for not importing into their tenancy legislation certain principles which he considers should find a place there. He wishes our tenancy legislation to be up to date. I should like to take this opportunity of informing the Hon'ble Mr. Bertram that the Bengal Tenancy Act of 1885 is, as a matter of fact, a model piece of rent legislation, and it represents the most up-to-date principles to which he has referred. He has spoken for instance of great principles involved in the three F's: fixity of tenure, fair rent and free sales. Members of this Council who have studied the Act will no doubt be aware that, as regards fair rent and fixity of tenure, these two great principles are embodied in this Act. As regards fixity of tenure, the settlement records show that not less than something like between 80 and 90 *per cent.*, or even more, of the tenants in this Province have occupancy rights, not including the raiyats who hold at fixed rates and enjoy an even stronger position. The occupancy right carries in the fullest sense fixity of tenure and fair rent. The occupancy raiyats's rent cannot be enhanced except by the decree of a Court, and then only on one or other of certain specified grounds; he cannot be ousted from his tenancy, except by a decree of a Court, and then only for certain prescribed reasons. The other principle to which the Hon'ble Mr. Bertram referred that of compensation for unexhausted improvements is, I am happy to say, provided for by section 82 of the Bengal Tenancy Act in its fullest form. I think, therefore, it is only right to say that the very principles for which the Hon'ble Mr. Bertram has contended find at present a place in the existing tenancy legislation of Bengal."

The Hon'ble MR. MACPHERSON said:—"I should like to make a few remarks with regard to an observation that fell from the Hon'ble Babu Bhupendra Nath Basu. The Hon'ble Member said that in his opinion there was no sufficient case for withdrawing the ordinary procedure as to settlement of disputes between landlords and tenants, that is, with regard to interference of the Courts in the matter of compromises. I believe that papers have already been circulated by the hon'ble mover showing the necessity for the clauses of the Bill in question; and I know that abundant reason is to be found in the records of the Courts and of the Settlement Officers. I look upon these provisions as an extension of the remedial measures for the protection of the weak against the strong, which have been developed in recent years as a principle of modern legislation affecting the land. Those remedial measures began so far as the agricultural tenant in Bengal is concerned, with the acceptance in the Rent Act of 1859, and in a fuller measure in the Bengal Tenancy Act of 1885, of the principle that there should be some interference with the freedom of contract between landlord and tenant. So the Civil Courts have power to interfere in the matter of enforcement of unconscionable contracts, for instance, with regard to levy of excessive interest, the principle being that the Courts should have power to protect when an oppressive contract has been made between persons, one of whom held a dominant position at the time of contract. I look upon these clauses of the Bill as a proper and necessary development of an accepted principle of the law of agricultural tenancy in Bengal."

The Hon'ble Mr. CARLYLE in reply said :—“Your Honour: as questions of principles can again be raised when the motion is to appoint a Select Committee of Members, I will only touch very briefly on the points that have been raised to-day.

“As regards the Hon'ble Babu Bhupendra Nath Basu's objection that the Bill involves legislation in this Province which will differ from that in Eastern Bengal, we are not, of course, in a position to commit the Government of another Province, but we have been in communication with the Government of Eastern Bengal and Assam about this Bill, and I have no doubt, after the Bill has been passed in Council, they will consider what has been done by us, and I hope they may be in a position to accept it as it stands. Of course I cannot pledge the Government of Eastern Bengal and Assam to any course.

“The question of having the Bill introduced in the Supreme Council was considered, and the Hon'ble Babu Jögendra Nath Mukerjee has given very good reasons for our preferring to introduce it here.

“The Hon'ble Mr. Macpherson has dealt very fully with the Hon'ble Babu Bhupendra Nath Basu's objection that the Bill interferes with compromises between landlords and tenants, although in Courts they are at arms length, and although in other cases they are left to take their chance.

“I would draw the attention of the Council, to the fact that in many of the compromises which we object to, the tenants and landlords are not really at arms length at all. The whole suit in Court is a mere fiction, and an engine of oppression on the part of the zamindar who is powerful enough to compel the raiyat to come in and agree to any terms; the object of the zamindars being to give a legal colouring to an otherwise illegal enhancement.

“Another objection of the Hon'ble Babu Bhupendra Nath Basu, in which he was supported by the Hon'ble Mr. Bertram, the Hon'ble Mr. Chaudhuri and the Hon'ble Babu Jögendra Nath Mukherjee, refers to the question of Government selecting the zamindars who are to have summary powers. The suggestion has been made, I must say, for the first time; it never occurred to me before that such an objection could be made that Government will use this power to put pressure on zamindars to compel them to support Government. I think the Hon'ble Babu Jögendra Chandra Ghose was quite right in saying that such a charge was a slur on the zamindars, and I would also point out that it is absurd to suggest that Government could use this power as a bribe to zamindars. If indeed the powers were given to only one or two men, this is conceivable, but if the section is a success it is inconceivable that Government should select its zamindars on purely political grounds.

“With regard to the Hon'ble Mr. Bertram's objection that there was no representative of the raiyats present, when the Committee dealt with the Bill, I would point out that no one would have been better pleased than Government if it had been possible to appoint a representative of the raiyats to take part in our deliberation, but I know of no raiyat in Bengal competent to take part in such discussions. The Secretary of the Committee was Mr. Kerr, Director of Land Records, and I believe the general impression among zamindars is, that the Settlement Department is not unduly favourable to zamindars.

“The Hon'ble Mr. Allen has dealt with the Hon'ble Mr. Bertram's remarks about fair rent and fixity of tenure. As regards the question of free sales, there is no more hotly debated subject than whether the tenant should be given a right of free sale, and the objection to free sales being given does not come from the enemies of the tenants but from their friends. If we confer this right upon them, many fear we will put them in the hands of the *mahajans*.

“As regards the Hon'ble Mr. Chaudhuri's objection that too great powers are being given to Revenue Courts both as regards record-of-rights and settlement of rents, it is impossible to carry out settlements or prepare a record-of-rights on a large scale through the Civil Courts; the thing has been tried and proved a complete failure; rents cannot be settled on a large scale by people sitting in Court.

"I do not quite follow what the Hon'ble Babu Jogendra Nath Mukherjee proposes to substitute for the certificate procedure. He referred to the possibility of attaching more weight to the record-of-rights, but I do not quite understand how he proposes that this should replace the clauses now in the Bill. As regards his objection that the country in general has not been consulted, and that he cannot tell how zamindars will take this Bill, it is now being circulated, and opinions will be received from all parts of the country. A Bill must be prepared in some form or another before it can be circulated for opinion.

The Motion was put and agreed to, and Secretary accordingly read the title of the Bill.

THE BENGAL LOCAL SELF-GOVERNMENT (AMENDMENT)
BILL, 1906.

The Hon'ble MR. MCINTOSH moved for leave to introduce a Bill to amend the Bengal Local Self-Government Act of 1885.

The Motion was put and agreed to.

The Hon'ble MR. MCINTOSH then introduced the Bill and moved that it be read in Council. He said:—

"The intention is, that this Bill should be published and circulated for opinions and criticisms before it is further proceeded with. The original Bill, introduced by Mr. Shirres in 1904, has been withdrawn and this one substituted as some further amendments of the Act have been proposed, and these further amendments are included in the present Bill. When Mr. Shirres introduced the Bill in 1904 he drew the attention of Hon'ble Members of Council to two important proposals, namely, the provisions to enable District Boards to pay for the cost of bridges built subsequent to the passing of the Act by levying tolls on them and the provisions enabling a District Board by the imposition of a cess to pay sums guaranteed by them by way of interest or repayment of a loan taken for the construction of a Railway or Tramway. Proposals to this effect are retained in the present Bill. The proposed amendments in other respects are so fully explained in the lengthy Statement of Objects and Reasons that I think I have nothing to add to that statement at present."

The Hon'ble BABU JOGENDRA NATH MUKHERJEE said:—"With Your Honour's permission I would make one or two observations upon this Bill. A very important matter is that relating to district sanitation, and I beg to urge it for the consideration of the Council. The question of district sanitation in Bengal has been brought to the front year after year for some time, and I think advantage should be taken of the opportunity which this Bill affords to introduce something into the Act which will put more life into the important question of district sanitation. We find some provision regarding Municipal water-supply and things like that, and I dare say the existing Act, if it was worked properly, could probably place no impediment in the way of either the Civil Surgeon of the District Board or District Officer in effecting sanitary improvements in the district; but it is one thing to have impediments removed theoretically and it is quite another thing to consider the question from a practical stand-point.

"What I mean to submit in this Council is this: that as matters stand at present there is practically no machinery in the district administration by which the question of district sanitation can be effectively considered. We know that the District Officer's hands are quite full with various matters; he cannot give his undivided attention to this subject; the Civil Surgeon is supposed to be the Health Officer of the district; he also has his jail to attend to; he has got his charitable dispensaries; he has to make tours in the interior to inspect private and public dispensaries, and over and above that his private practice and many other things besides; so that we cannot expect the Civil Surgeon also to pay undivided attention to this most important question of district sanitation.

"It might also be said that while we introduce Local Self-Government, why should not the District Board take this matter up and work out the solution of that problem. To that also I have to say something. We must take things as they come. We all know the District Board is composed of busy men, at least they can only devote a small portion of their time to the work of the District Boards, and we cannot expect the District Board also to take the initiative in matters of this kind.

"I would therefore suggest to Hon'ble Members of this Council and to your Honour's Government whether or not a permanent all-time Health Officer can be introduced in the District Boards whose sole duty would be to consider questions of district sanitation, and I dare say if that were his sole duty, he would place matters before the District Board and thereby some initiative would be taken on these lines. That is the question of principle. I would place before Council for more reasons than one, and because I am perfectly sure that the Government is very anxious to solve the question itself. I find that there is no provision in the law whereby a thing like that could be introduced by legislation. I should like very much if this question was considered, and I would invite criticisms upon it.

"As regards other provisions of the Bill, there are many which remove practical difficulties, and I have nothing to say as regards those; and when the time comes I may have something to say, but that is the chief point I have to urge for consideration at present."

The Hon'ble BABU JOGENDRA GHOSE said:—"Your Honour: as representing the District Boards of the Presidency Division, I feel it my duty to enter my strong protest against the introduction of this Bill. My main grounds are, that a new cess is going to be imposed upon the landlords and tenants for the construction of Railways. When the Road Cess was introduced, it was considered an infringement of the Permanent Settlement. That Act has led to the construction of roads, railways and waterways which are beneficial to the country, but the landlords and tenants of this country are unable to pay further cesses. We have got Railways in abundance and if it were put to the people of this country, I feel bold to say that not one man in this country, whether a raiyat or a landlord, would have a further cess for Railways. Then I find that this Bill authorizes expenditure on hostels. It is a very well-known fact that the education of the masses is sadly neglected in this country. Secondary education, education of the higher classes, is not the proper business of the District Boards, and the burden of providing hostels for schools and colleges or even for medical schools ought not to be cast upon the District Boards; on the contrary, I feel, Sir, that further sums should be placed in the hands of the District Boards for encouraging primary education among the masses. If it were the imposition of a new cess for primary education, I would cordially have supported it, for, as I have said, the education of the masses has been sadly neglected. Now, to impose a further liability upon the District Boards of making and supporting hostels is, in my humble opinion, not wise, as they would in that case be incurring expenditure which they did not incur before.

"One item of expenditure is, for residence for the District Engineer. The District Engineer has for the last 40 years been able to manage without a residence and the District Boards should not now be called upon to furnish him with a residence. The District Boards are in all conscience poor enough and now to make them build houses for District Engineers is, in my humble opinion, not right.

"I ought not to take up Your Honour's time further upon the various provisions of the Bill. I have indicated my main objections and I will only add one word and that is, after the Road Cess Act the Drainage Act was passed which devises a means by which new canals and drainage projects might be carried on. Instead of providing for the imposition of a new cess that procedure would, in my humble opinion, have been better."

The Hon'ble MR. CHAUDHURI said:—“I join my friend, the Hon'ble Babu Jogendra Chandra Ghose, in protesting against the provision of the Bill, which seeks to confer power on the Local Government to empower District Boards to levy cesses for guaranteeing local railways or tramways. In anticipation of this measure, I had put forward my objections in my last Budget speech, and have no desire to reiterate them. The District Boards can even now give guarantees to local railways. But since they have no power to levy cesses on this account, they take every care to satisfy themselves that the guarantee may not prove a source of ruin to them. I belong to the District Board of Pabna, and I know of one instance where a project of a Railway for one corner of the district, namely, from Serajganj to Ullapara, was pressed upon the District Board with the support of the District Magistrate, who is, I need hardly say, always the Chairman of the Board. Some members sternly opposed this speculative project, on the ground that, if the Railway did not pay its way, the Board will have to face bankruptcy. It is this apprehension that prevented them from speculating with public money. But, if the provision of the Bill before us today became law, the Boards would not weigh the *pros* and *cons* of a Railway project with the same degree of responsibility. The recommendation of a project of the kind from the Government or the District Magistrate is often a mandate to the members of the District Board, where the elected members are practically in a standing minority.

“In future, if a project of the kind was proposed which would but benefit a small section of the community, and the Magistrate happened to support it, the official members will say ditto, and the result would very likely be that a fresh cess will have to be imposed to recoup the drain on the District Board Fund. The Railway may benefit the immediate neighbourhood through which it may pass. But is it fair that the people of the whole district should be taxed for maintaining such a Railway? What would the tax-payers of Calcutta think if the Corporation entered into a speculative transaction with the Tramways Company, and guaranteed interest on the capital expenditure, and then sought to recoup it by the increase of rates and taxes from the general rate-payers of this town? Railways and Tramways are no doubt great conveniences, but it is a fair principle of business that it is only those, who avail themselves of such conveniences, who ought to pay an adequate fare or freight to secure dividend on the capital outlay. On no principle, therefore, can we, the representatives of the ordinary tax-payers of the country, support the project of a Railway cess.

“The details of this Bill, like the one which immediately preceded it, offers much scope for criticism. I shall, however, satisfy myself by pointing out some of its more objectionable features. The proposal made for the abolition of the Sadar Local Boards will go to reduce the elective element in the District Boards, and therefore should not find place in a measure whose avowed object is to confer Local Self-Government on the people.

“This Bill also seeks to legalize payments out of the District Board Funds for a variety of purposes which in no way fall within the scope of local funds. The most astounding provision of this character is the one which says that the District Board Fund may even be saddled with such expenditure as may go to improve the breed of horses, mules and even asses! [Clause 59 (10)].”

The Hon'ble BABU BHUPENDRA NATH BASU said:—“Sir, I rise in support of what has fallen from my friend, the Hon'ble Babu Jogendra Chandra Ghose. The cry has been that we Indians are over-taxed. I am also aware that that cry has been endeavoured to be answered in very high quarters, but the fact of the people's poverty, especially the agricultural people, cannot be disputed or denied. I do not think the country will tolerate it unless it is forced upon them. The levy of additional cesses for the purpose of Railway communications to enable investors to earn dividends will be a cruel impost upon the agricultural population. I would ask Your Honour's Government to consider this proposal, to consider the burden already imposed upon the people and whether it would be advisable, in the interests of investors and capitalists, to place additional burdens upon the people. The

Railways no doubt would be a great advantage to the people in the interior and as that would mean a much larger revenue to the main lines in the country, means may be found by which the large profits earned by Railways should be made available to work their lines and not the cess-payers. They will no doubt contribute to the cost as passengers and as carriers of goods.

"Then as regards the question of saddling District Boards with the burden of maintaining hostels for schools and colleges, I also agree with my friend, the Hon'ble Babu Jogendra Chandra Ghose. I have attempted to show in this Council, on previous occasions, that the expenditure incurred by Government on the education of the people is shamefully inadequate. No civilized Government in the world, taking the East and the West, has spent so very little money on the education of the people. It is an imperial duty which is cast upon the Government to educate its people, and therefore, Sir, it behoves the Government to come to the aid of the people, at least in the higher branches of education. My friend has said that were the further cesses to be levied on Primary Education it might be justified, but whether it might be justified or not is a question which I am not at present prepared to discuss. If that were justifiable, certainly the cost of maintaining schools and colleges for the children of other classes should not be cast upon the poor agriculturists of the soil.

"Passing to another question which my friend, the Hon'ble Babu Jogendra Nath Mukherjee, has raised—the question of having a whole-time Health Officer for District Boards, I am quite sure the sympathies of Your Honour will be with my friend. Your Honour has been pleased to observe on more than one occasion that the sanitation of the district requires much more careful looking after than it receives at present, and as my friend has pointed out, those who are entrusted with this work of sanitation have scarcely any time to devote to it. There was a time in the history of Calcutta itself when the Health Officer of the Corporation of Calcutta was not a whole-time Officer. He was a servant of the Government discharging other duties and devoting a portion of his time to the duties of the Corporation. Having regard to the enormous rate of mortality which prevails in the mufassal, I hope the suggestion of my friend will receive careful consideration at the hands of Your Honour's Government."

The Hon'ble BABU RADHA CHARAN PAL said:—"Sir, I cannot give a silent vote on this occasion, and I regret to say that this motion of the hon'ble mover is opposed by my community with a unanimity almost unprecedented. This question of imposition of cesses was referred to public bodies some time ago, and I well remember it was received with feelings of great regret and, I may say, with dismay. It was discussed in our Committee rooms, and the community submitted their respectful protest through the representative Associations to Government. I regret, however, to find that their representations had no effect upon Government, and this measure which contains provisions for imposition of cesses to guarantee payment of interest on light railways is introduced.

"It is well known that the cry at the present moment is that we are overtaxed; it is also well known that our rulers both here and in England are anxious to see that the people lead a contented life. Sir, over-taxation is the seed of discontent. Perhaps Your Honour may remember, and some of the older Members also, that at one time over-taxation raised a certain amount of discontent in this country, that it attracted the notice of Government, and Lord Northbrook, when vetoing the Bengal Mufassal Municipal Bill of Sir George Campbell, said that he could not, in the presence of such discontent in this country, give his assent to a measure which contained so many provisions of taxation and which would add to the burdens of the people. The burdens of the people are already great; they are groaning under a heavy load of taxation; from one end of the country to the other, there is the cry of the poverty of the overtaxed people. I do not propose at this moment to discuss that question, but there cannot be any doubt that the people of this country are not quite contented with their lot so far as taxation is concerned. No doubt, we are deeply grateful to Government for the blessings of peace, security and protection of life and property which they have

given us; but at the same time, Sir, we are bound to say that we groan under a heavy load of taxation. I therefore beseech Your Honour, in the name of the community to which I belong, not to proceed with this Bill which contains a provision which is so obnoxious and alarming to the people at large, and which will also at this moment when the country is passing through a period which is, I am sure, not very satisfactory to all parties concerned be not conducive to the best interests of the people and of Government.

"It is my duty also to point out that the sanitation of the country is an object which ought to attract the foremost attention of Government. As Government maintains its Army and Navy for the preservation of its subjects, it ought to maintain and equip a proper number of doctors and hospitals for the preservation of the lives of the people and to concert measures for the prevention or mitigation of epidemic diseases which so largely prevail in the villages of Bengal. A well-ordered administration is expected to save the lives of the millions of the people who are entrusted to its charge. If you look round and see how many thousands and thousands of people under Your Honour's protection die every year of malaria, I am sure your sympathy will be roused for the helpless people.

"I hope Your Honour will kindly take into consideration the question which has been raised by my friend, the Hon'ble Babu Jogendra Nath Mukherjee, of making provision for the appointment of a permanent Health Officer in the districts for improving the undrained and water-logged condition of the districts which generates the malaria which is decimating hundreds of thousands of the people at this moment. The cry has often been raised not only in the Press and on the platform, but also in this Council to make some attempt to save the lives of the people. It is said Calcutta is overcrowded, and why? Let any one of us go a couple of miles out of Calcutta, and he will find whole families smitten down by malaria and that is one of the reasons why Calcutta is so much overcrowded. I think the funds of the District Boards for some time to come ought to be devoted mainly, if not wholly, for the improvement of the sanitation of the districts, and I trust when this Bill emerges from the Select Committee, it will meet with the approbation of the public."

The Hon'ble MR. BERTRAM said:—"Your Honour: the Hon'ble Babu Radha Charan Pal talks of 'my people.' I am also one of the people; so also is the Hon'ble Mr. Allen. He represents the Corporation of Calcutta, and I am astonished at the harangue of my hon'ble friend against the introduction of this Bill. The whole of his complaint seems to be that Railways are a curse to the country and should not be encouraged in any way. It seems to me that the object of this Bill with reference to the particular part at issue, which has met with such trenchant criticism from the representative of the Corporation of Calcutta, is that it is possible for a Local Board in the exuberance of their enthusiasm for sanitation in their district, and for improving the connections between zamindars of large estates and other purposes, to encourage a body of capitalists to come forward and advance the money. It is found inconvenient, perhaps, sometimes to cut down any of the improvements for taking away malaria and catching mosquitoes to find the interest; therefore these wretched capitalists, who advance their money are left stranded. Government apparently have recognized that it is necessary to open up the Mufassal by light railways and my reading of the subject has shown me that these District Boards make a fine financial arrangement by these light railways. They are very fine institutions indeed. Look at the Howrah-Amra Light Railway, where the District Board share in the profits and it is a good contribution to the reduction of taxation, under which India is always said to be suffering. My friends, the Hon'ble Babu Radha Charan Pal and the Hon'ble Babu Bhupendra Nath Basu, should go to other countries where they will find that the taxes are higher. In this connection, representing as I do the interests of Commerce, I am very thankful to the hon'ble mover for having introduced a Bill like this and protecting in some way the possible, though I am sure the absolutely remote chance, of those who find the money for light Railways, being left stranded, because the Local Board might have committed itself to some other projects and therefore they have not

got the money to pay the capitalists their interest. The complaint is generally made outside that the District Boards are suffering from sleepiness and they want waking up, and anything that will give them more work to do and encourage them in good deeds should receive the support of this Council and the outside public. My friend, the Hon'ble Babu Radha Charan Pal, who like Janus has two faces has, I am sorry to say, also two voices, because the voice proceeding from the one Janus here to-day has been a totally different one from that where the Hon'ble Mr. Allen presides, and I do not think his opposition to the introduction of this Bill is really sound."

The Hon'ble MR. CARLYLE said:—"I only want to deal with one point and that is the question of enabling District Boards to impose a new cess. I think the Hon'ble Members who oppose this have entirely overlooked the fact that District Boards who encourage light Railways would considerably add to their revenues. A good system of light Railways is much wanted in where the population is dense, and I believe most of the District Boards could make a large income out of light Railways."

The Hon'ble Mr. McINTOSH in reply said:—"As the Bill will be circulated for opinion, it seems unnecessary to go into the objections which have been raised by certain Hon'ble Members of this Council to-day. These objections will be dealt with when the Bill comes again before the Council. The Hon'ble Babu Bhupendra Nath Basu has raised the general question of the burden of taxation in this country. This does not appear to me to be the time for discussing so difficult and intricate a question, and I therefore refrain from discussing it, but I trust that I may not be taken as agreeing with his views on this subject."

The Motion was put and agreed to, and Secretary accordingly read the title of the Bill.

The Council was then adjourned to Saturday, the 1st December, 1906.

CALCUTTA ;	}	L. C. ADAMI,
The 20th November, 1906.		Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, DECEMBER 19, 1906.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 15th December, 1906, at 11 A.M.

Present: .

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble Mr. J. CHAUDHURI, M.A.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble Mr. SYED SHURFUDDIN.

The Hon'ble MR. W. T. SPINK.

The Hon'ble Mr. J. R. BERTRAM.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

NEW MEMBER.

The Hon'ble MR. CARLYLE took his seat in Council.

QUESTIONS AND ANSWERS.

ZOOLOGICAL GARDEN.

The Hon'ble MR. BERTRAM asked :—

Will the Government be pleased to arrange for the Zoological Garden to be open free to the public for one day in each month? If not, why not?

The Hon'ble MR. CARLYLE replied :—

“ There is a Committee appointed to the charge of the Zoological Garden. This Government does not think that it should express any opinion on such a proposal until it has been formally submitted by its advocates to, and fully considered by, that Committee.”

ARTICLES OF EUROPEAN MANUFACTURE.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE asked :—

(a) Has the attention of the Government been drawn to the fact that the District Boards of Bengal are required to obtain articles of European manufacture of the value of more than fifty rupees from England direct by indent upon the Secretary of State for India, even when such articles are readily obtainable in India?

(b) Will the Government be pleased to state if there is any provision in the Bengal Local Self-Government Act of 1859, or any rule made consistently with the said Act, under which the District Board can be required to purchase articles of European manufacture of the value of more than fifty rupees by indent upon the Secretary of State for India?

The Hon'ble MR. MCINTOSH replied :—

“ The rules regarding the purchase of European Stores are contained in Article 1403 of the Public Works Department Code and the Appendix thereto. These rules are framed by the Government of India.

“ The District Fund is an Incorporated Local Fund, the revenues and expenditure of which are under the control of Government; and there is no provision in the Local Self-Government Act empowering a District Board to disregard these rules.”

JAMALPUR SHOOTING CASE.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE asked :—

(a) Has the attention of Government been drawn to an article in the *Bengalee* newspaper of the 25th November, 1906 (*dak* edition), relating to a case described in the said newspaper as the “Jamalpur Shooting Case”?

Is the story of the investigation into, and trial of, the case given therein substantially correct?

(b) Has the Government received any official report regarding this case? If so, will the Government be pleased to lay it on the table? If no report on the said case has yet been received, will the Government be pleased to call for one, containing an authentic account of the steps taken by the authorities to discover the persons who had shot down some of the men employed in the East Indian Railway workshop at Jamalpur, and the circumstances under which the shooting was resorted to?

(c) Will the Government be pleased to state how many workmen were killed and how many were wounded during the incident referred to in the said article?

The Hon'ble MR. CARLYLE replied :—

“(a) The attention of Government has been drawn by the Hon'ble Member to the article in the *Bengalee*.

“The story therein given of the investigation into, and the trial of, the case is not substantially correct.

“Notably the statement that ten European Assistants stated before the Assistant Inspector-General of the Government Railway Police that they had seen Macmillan fire is absolutely incorrect. No European Assistant whatever made any such statement.

“(b) Government has received official reports regarding the case. These are still under consideration.

“The official reports show that a shot gun was used; that three shots in all were fired; that a youth named Finlayson admitted having fired all the shots into the air with a view to frightening away the attacking mob; and that the last of these, though fired over the heads of the mob, did take effect at a considerable distance.

“(c) No one was killed; but five workmen were wounded. In the opinion of the Civil Surgeon, by whom they were examined, the wounds on four of them (one man had two wounds) were probably caused by stray shot, but not the scratches found on the person of the fifth. The wounds were of a petty nature. The full charge appears to have passed over the heads of the mob; but owing to the distance at which the shot was fired, the pellets would scatter a great deal and five of them caught the wounded men.”

ELECTION OF CALCUTTA MUNICIPAL COMMISSIONERS.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked :—

Is the Government aware that during the last two elections of the Calcutta Municipal Commissioners, there was absolutely no interest shown in them by the rate-payers and that in wards where in previous elections fifteen hundred to two thousand votes were recorded, either the elections were uncontested or there were not more than two to three hundred votes at the highest recorded?

(a) Is the Government aware that the Hon'ble Mr. Allen, Chairman of the Corporation of Calcutta, declared, at the meeting of the Corporation of the 8th of November last, that, so far as the Calcutta Municipality was concerned, “the whole system of election was absolutely a farce”?

(b) Will the Government be graciously pleased to institute an inquiry, by appointing a Committee or otherwise, into the causes of this lamentable lack of interest of the rate-payers and the failure of the system of election in the second city of the British Empire and take steps to remedy them?

The Hon'ble MR. McINTOSH replied :—

“Questions I and II are answered together.

“The Hon'ble Member is referred to paragraphs 1 and 8 of the Report on the Municipal Administration of Calcutta for the year 1905-06 where the subject of his questions is dealt with. The proposals referred to therein for revising the election rules are, it is understood, now under the consideration of the Corporation.”

ESTABLISHMENT CHARGES OF THE CALCUTTA MUNICIPALITY.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

(a) Is the Government aware that there has been a great increase in the establishment charges of the Calcutta Municipality since the new Act came into force?

(b) Will the Government be pleased to ask for a return from the Calcutta Municipality showing the amount of the establishment charges of the Corporation before the passing of the new Act and at present, the amount paid to Commissioners as their fees for attending Committee meetings and the amount spent by the Corporation on opening out new roads and improving bustees since the new Act came into force?

(c) Is it a fact, as was mentioned by Mr. Braunfield, a Municipal Commissioner, at the meeting of the Corporation of the 14th November last, that 22 lakhs were annually spent by the Corporation for establishment out of an available income of 42 lakhs after paying the interest for Corporation loans?

The Hon'ble MR. MCINTOSH replied:—

“The information asked for by the Hon'ble Member can be gathered from the accounts of the Corporation which are published annually.”

HURRISH CHUNDER MUKHERJI'S ROAD AND WOODBURN PARK.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Is the Government aware that many improvements, such as the Hurrish Chunder Mukherji's Road extension and the Woodburn Park, to mention two out of many such passed by the Corporation before or shortly after the new Act came into force, have not yet been carried out?

The Hon'ble MR. MCINTOSH replied:—

“Government has no particular information about the progress made with the extension of the Hurrish Chunder Mukherji's Road. The Hon'ble Member's attention is invited to paragraph 12 of the Report on the Municipal Administration of Calcutta for the year 1905-06, where it is said that 'in view of the impending demands on account of the Improvement Trust, great caution is necessary in undertaking capital works other than those of an immediately reproductive character, and the bulk of the available funds must be devoted at present to financing the all-important water and drainage schemes to which the Corporation stands committed.'

“Some information regarding the progress made with the Woodburn Park is given in paragraph 25 of the same Report.”

SUBURBAN DRAINAGE PROJECT.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to require the Corporation to submit a statement showing the causes of the great delay in carrying out the Suburban Drainage Project and to mention a limit of time within which the Corporation should carry it out?

Will the Government be pleased to consider whether, in the face of the inability of the Corporation to carry out the drainage and other projects passed many years ago, it is advisable to ask it to take up the gigantic improvements contemplated by the City Improvement Scheme?

The Hon'ble MR. MCINTOSH replied:—

“The Hon'ble Member is referred to paragraphs 11 to 13 of the Government Resolution on the Report of the Municipal Administration of Calcutta for the year 1904-05 and to paragraph 24 of the Calcutta Municipal Administration Report for the year 1905-06. Government sees no need to take action in the manner suggested by the question.”

"The Calcutta Improvement Scheme is still under the consideration of the Governments of India and Bengal."

BHAIRAB RIVER.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to state whether it will be pleased to spend this year Rs. 75,000, provided for in the current financial year for the improvement of the river *Bhairab*, in the district of Jessore, from Singhia up to the town of Jessore under the Canals Act?

The Hon'ble MR. MCINTOSH, in the absence of the Hon'ble MR. INGLIS, replied:—

"It is not probable that there will be any expenditure on this scheme in the current year. It has been ascertained that the cost of making a cut from Singhia to Roopchie, and of dredging the bed of the *Bhairab* from Roopchie to Jessore would be considerably greater than was at first thought: while the work would be of small value as a means of communication. The possible value of the scheme as a sanitary measure will be considered by the Committee which is at present holding an inquiry into the general conditions of the drainage and of the river channels of the districts in the Presidency Division."

JESSORE DRAINAGE SCHEME.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to state how far the drainage scheme under the Sanitary Drainage Act, taken up by the District Board of Jessore for the improvement of the river *Bhairab* from the town of Jessore up to its source, has progressed, and whether, considering the importance of the matter, the largeness of the expenditure and the poverty of the raiyats of the district, who will have to contribute the major portion of it, the Government will be pleased to contribute towards the cost of the scheme?

The Hon'ble MR. MCINTOSH replied:—

"The Hon'ble Member is referred to Notification No. 62 S, dated the 6th August, 1906, published at page 1582 of the Calcutta Gazette, Part I, of the 15th August, 1906. The District Board have been asked to elect their representatives to the Board of Drainage Commissioners, and when these have been elected and the Government nominees have been appointed, the Board will proceed under section 6 (i) of the Sanitary Drainage Act to prepare a preliminary scheme and survey. When this has been drawn up and the cost of the project has been ascertained, Government will be prepared to consider the question of making a contribution from provincial revenues."

JESSORE WATER-WORKS SCHEME.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to state how long the Jessore Water-Works Scheme, approved by His Honour the Lieutenant-Governor, has been under the consideration of the Government, and whether the Municipality of Jessore can shortly expect to receive the sanction of the Government to the scheme?

The Hon'ble MR. MCINTOSH replied:—

"The Municipal Commissioners of Jessore have not yet submitted to Government for final sanction their water-works scheme. The Municipal Commissioners have experienced difficulty in carrying out the experimental borings in the bed of the *Bhairab* river which are required in order to see whether a reliable source of supply is available, and they have applied to Government for help. Government is now arranging to lend the Municipal Commissioners a set of boring instruments and the services of a subordinate who has experience in working them. Government will be glad to sanction a suitable scheme as soon as it is got ready by the Municipal Commissioners."

JURY CASES.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state, district by district, the number of cases tried by jury during the 10 years ending 31st March, 1905, the number of cases in respect of which the Sessions Judge concurred with the verdict of the jury, the number of cases in which the Sessions Judge, not agreeing with the jury, made a reference to the High Court, under section 307, Criminal Procedure Code, and the result of each such reference?

The Hon'ble MR. RICHARDSON replied:—

“The statistics required by the Hon'ble Member are not available for the period mentioned by him nor in respect of each jury district.

“The information to be found in the Annual Reports of the High Court on the Administration of Criminal Justice is contained in two statements laid on the table, in one of which the figures denote persons and in the other cases. All the figures relate to the calendar year.”

Statements referred to in the above answer.

I.—PERSON.

Including figures for the transferred Jury districts.		Number of persons tried by Jury.	Number of persons in whose cases Sessions Judge approved verdict.	Number of persons in whose cases Sessions Judge did not approve verdict.	Number of persons in whose cases a reference was made to the High Court.	1	2	3	4
						1	2	3	4
1896	...	593	529	64	43				
1897	...	848	796	52	39				
1898	...	1,161	1,048	113	67				
1899	...	984	877	107	62				
1900	...	1,187	1,065	122	70				
1901	...	1,077	966	111	58				
1902	...	1,130	1,007	123	85				
1903	...	1,060	922	138	64				
1904	...	1,063	876	187	83				
1905	...	622	546	76	42				
Total	...	9,725	8,632	1,093	613				

II.—CASES.

Including figures for the transferred Jury districts.		Number of references before High Court.	Number decided.	Verdict accepted.	Verdict modified.	Verdict set aside.	Remanded for re-trial.						
							1	2	3	4	5	6	
1896	...	33	31	9	7	13							
1897	...	30	27	5	4	18							2
1898	...	47	43	11	2	30							
1899	...	44	32	8	2	22							
1900	...	51	49	13	4	32							
1901	...	38	26	9	...	17							
1902	...	63	57	20	2	35							
1903	...	45	39	16	3	19							
1904	...	55	46	8	6	31							1
1905	...	28	25	7	2	14							2
Total	...	434	375	106	32	331							6

SUBORDINATE EDUCATIONAL SERVICE.

• The Hon'ble MR. SYED SHURFUDDIN asked :—

Will the Government be pleased to state if it is a fact that, since September, 1905, no promotion has been granted to the members of the Sub-ordinate Educational Service, on the ground that the new scheme for the re-organization of the service sanctioned by the Secretary of State for India would soon be promulgated? If this be a fact, will the Government be pleased to state when is the new scheme going to be promulgated?

The Hon'ble MR. RICHARDSON replied :—

“ The answer to the first part of the Hon'ble Member's question is in the affirmative. As to the second part, a Resolution giving effect to the scheme of re-organization has been drawn up and will be published immediately. It has been decided that the promotions admissible under the scheme will take effect from the 10th September, 1905. The arrangements for bringing the scheme into operation had to be made in consultation with the Government of Eastern Bengal and Assam and this has caused some delay.”

SENIOR DEPUTY MAGISTRATES AND THEIR POWERS.

• The Hon'ble MR. SYED SHURFUDDIN asked :—

Will the Government be pleased to state if the Senior Deputy Magistrates enjoying first-class powers in every district head-quarters town is vested with the power to hear appeals under section 407, Criminal Procedure Code?

If the officers mentioned above have not the power to hear appeals under section 407, Criminal Procedure Code, will the Government be pleased to invest them with such powers to be exercised at least during the absence, on tour, of the District Magistrates when a great hardship is felt in the matter of bail and admission of appeals by persons convicted by Magistrates of the second or third class?

The Hon'ble MR. CARLYLE replied :—

“ Senior Deputy Magistrates enjoying first class powers in every district head-quarters town are not vested with the power to hear appeals under section 407, Criminal Procedure Code.

“ Government does not consider it necessary to invest such officers generally with powers to hear such appeals, as it holds that the hearing of appeals is an important part of a District Magistrate's duties. In special cases, this general rule of confining appellate powers to the District Magistrate has been and will be relaxed.”

• SUBORDINATE EXECUTIVE SERVICE.

The Hon'ble MR. SYED SHURFUDDIN asked :—

Will the Government be pleased to give a statement showing the names and qualifications of the applicants, during the year 1906, from Bihar and Chota Nagpur, for appointments in the Provincial and Subordinate Branches of the Executive Service?

Will the Government be pleased to state also which of the applicants were successful, and which not; and the grounds on which the applications of the unsuccessful candidates were rejected?

And, in the case of Bengalee candidates, will the Government be further pleased to mention against their names whether they are domiciled in Bihar or Chota Nagpur, as the case may be, or otherwise?

The Hon'ble MR. CARLYLE replied :—

“ Government regrets that it cannot fully comply with the request of the Hon'ble Member to lay on the table a statement showing the names and qualifications of the applicants, during the year 1906, from Bihar and Chota Nagpur for appointments in the Provincial and Subordinate branches of the

Executive Service, and to state which of them were successful and which not, and the grounds on which the applications of the unsuccessful candidates were rejected. It is most undesirable to publish the names of unsuccessful candidates, and still more (from their own point of view) to explain why they were unsuccessful.

"A statement showing the number of candidates in 1906 from Bihar and Chota Nagpur, with the number of Bengalis domiciled in Bihar or Chota Nagpur, is laid on the table.

"A statement containing the names of the successful candidates from Bihar and Chota Nagpur is also laid on the table. In the case of Bengalis domiciled in these places, the fact has been noted (as far as is known).

"Another statement showing the distribution of the new appointments amongst the different communities in the Province is also laid on the table.

"The last two statements refer to candidates appointed by Government direct and not by promotion from other services."

Statement showing the number of candidates from Bihar and Chota Nagpur during 1906.

From	No.
Bihar	... 82 of these 10 are domiciled Bengalis.
Chota Nagpur	... 17 of these 5 are domiciled Bengalis.

Statement showing the names of successful candidates from Bihar and Chota Nagpur.

DEPUTY MAGISTRATES.

BIHARIS.

Hindus.

1. Babu Madheswar Singh.
2. " Mukutdhari Singh, B.L.
3. " Braja Nandan Singh, B.L.
4. " Shyam Narayan Singh, B.A.
5. " Ranjit Prasad, B.A.

Muhammadans.

1. Maulvi Chaudhuri Muhammad Nazir Alam, B.A.
2. " Saiyid Hamid-ud-din Ahmad, B.A.

CHOTA NAGPURIS.

Hindus.

1. Babu Akhouri Gopi Kishore Lal, B.A.
2. " Pulin Behari Aikath, B.A. (domiciled).

SUB-DEPUTY COLLECTORS.

BIHARIS.

Hindus.

1. Babu Satish Chandra Upadhyay, M.A.
2. " Jahnavi Prasad, B.A.
3. " Jadubunsha Sahay, B.A.
4. " Gaya Prasad Singh, B.A.
5. " Surjya Narayan Singh, B.A.
6. " Jug Dutt, B.A.
7. " Kshitish Chandra Sen, B.A. (domiciled).

Muhammadans.

1. Maulvi Ali Ahmad, M.A.
2. " Saiyid Muhammad Refiq-ul-Alam, B.A.
3. " Kazi Abdul Waheb, B.A.
4. " Saiyid Muhammad Ali Husain, M.A.
5. " Safdar Husain, B.A.
6. " Saiyid Amanat Husain, B.A.

CHOTA NAGPURIS.

Hindus.

1. Babu Lal Biswanath Sharan Singh.
 2. " Hari Das Chakrabatti, B.L.
 3. " Saat Chandra Mazumdar, B.A. } Domiciled.
 4. " Nalinindra Lal Bose, B.A. }

Uraon.

1. Babu Dhanmassi Panna, B.A.

Statement showing the distribution of new appointments amongst the different communities in the Province.

DEPUTY MAGISTRATES.

	Hindus.	Muhammadans.	
Bengalis	... 11 (a)	5	= 16
Biharis	... 5	2	= 7
Chota Nagpuri	... 1	0	= 1
Uriyas	... 2	2	= 4
Native Christians	... ...	...	3
Europeans and Eurasians	... ...	...	9
			—
			40

SUB-DEPUTY COLLECTORS.

	Hindus.	Muhammadans.	
Bengalis	... 34 (b)	2	= 36
Biharis	... 6	6	= 12
Chota Nagpuri	... 1	0	= 1
Uriyas	... 4	0	= 4
Native Christians	... ...	...	2
Eurasian	... ...	...	1
Uraon	... ...	...	1
			—
			57

(a) Includes one domiciled in Chota Nagpur.

(b) Do. in Bihar and three in Chota Nagpur.

PAUPER WARDS.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad, asked:—

Will the Government be pleased to state whether the proposals of Government made in its Resolution No. 4146 Medl., dated the 9th November, 1896, regarding the opening of separate pauper wards in the large dispensaries in Bengal, and the Circular of the Inspector-General of Civil Hospitals, dated the 8th March, 1898, regarding the establishment of separate wards for the accommodation of both moribund and pauper patients, have been acted upon?

If not, will the Government be pleased to draw the attention of local bodies and managing committees of dispensaries to give effect to the said proposals?

The Hon'ble MR. MCINTOSH replied:—

"The orders in question have not been lost sight of. They are gradually being acted upon as funds permit. It has been ascertained that since they were issued, pauper and moribund wards have been provided in 48 dispensaries. Government attaches much importance to the provision of such wards, and a Circular will be issued to local bodies again drawing their attention to the matter."

COTTON CULTIVATION.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad, asked :—

Will the Government be pleased to state what, if any, steps are being taken by it for the development of cotton growing in this Province, in accordance with any scheme that might have been suggested by any experts?

The Hon'ble MR. CARLYLE replied :—

"In this connection the Hon'ble Member is referred to the answers given to the Hon'ble Babu Ambika Charan Mazumdar at the Council Meeting of the 2nd December, 1905, and to the Hon'ble Babu Jogendra Nath Mukherjee at the Council Meeting of the 17th February, 1906.

"No scheme for the development of cotton cultivation in this Province has yet been drawn up by an expert.

"During the current season the Director of Agriculture has arranged for the cultivation of about 100 acres in the Sonthal Parganas and Singhbhum districts with *Buri* cotton, a variety which has given considerable promise, with a view to making it known among cultivators who understand how to grow cotton, and with a view to the production of a quantity of reliable seed for distribution next year. Plant selection is now being carried out at both centres with a view to ultimate improvement.

"Brief instructions for the cultivation of cotton have also been circulated by the Agricultural Department, and seed distributed from the Departmental seed-store."

VILLAGE ROADS.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad, asked :—

Has the Government received any complaints regarding the condition of village roads in Bengal? If so, will the Government be pleased to draw the attention of District and Local Boards to the need of keeping them in proper repairs?

The Hon'ble MR. MCINTOSH replied :—

"No complaints of a general nature have been received by Government. District Boards are only responsible for the up-keep of such 'village roads' as are vested in them or have been placed under their administration and control. Their obligations in this respect are well known to the District Boards, and the issue of special instructions to them is not considered necessary."

CHARITABLE DISPENSARIES.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad, asked :—

Is it a fact that in some Charitable Dispensaries under the management of Government or Local Bodies, during hospital hours and in the absence of the Medical Officer in charge, prescriptions are prepared and medicines dispensed by compounders, and the cases subsequently entered in the dispensary Attendance Register by the Medical Officer from memoranda kept by the compounder? If so, will the Government be pleased to take necessary steps to prevent such practice?

The Hon'ble MR. MCINTOSH replied :—

"No instance of patients being treated or prescribed for by a compounder otherwise than as laid down by the rules has been brought to the notice of Government or the Inspector-General of Civil Hospitals. Compounders are forbidden to prescribe for patients on their own responsibility. The only exception to this rule is, when the Medical Officer in charge is unavoidably absent for a brief period owing to sickness or other cause, and on such occasions a compounder is only permitted to render first aid for the immediate relief of a patient, or to dispense stock medicines, or to repeat medicines previously prescribed by the Medical Officer in charge."

INCREASE OF INTOXICANTS.

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

Will the Government state what steps are being taken to check the alarming increase in the consumption of intoxicants in Bengal, as shown in the Report of the Commissioner of Excise for 1905-1906 ?

The Hon'ble MR. MCINTOSH replied :—

"The Committee appointed by the Government of India to examine the systems of Excise administration in the different provinces has recently submitted its report to the Government of India. When the Local Government receives the Committee's report, it will consider what changes are required in the system in force in this province."

EXCISE INQUIRY COMMITTEE.

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

Can any information be furnished regarding the recommendations of the Excise Inquiry Committee of the Government of India alluded to in the Report of the Commissioner of Excise, so far as they apply to Bengal ?

The Hon'ble MR. MCINTOSH replied :—

"The report of the Excise Committee has not been published yet, and Government is unable to give any information about it at present."

DRAINAGE OF THE CALCUTTA FRINGE AREA.

The Hon'ble BABU RADHA CHARAN PAL asked :—

(a) Is the Government aware of the insanitary and water-logged condition of the area, between the Circular Road and the canal on the east of Calcutta, known as the fringe area, and of the repeated complaints, since its amalgamation with Calcutta proper in 1888, of the rate-payers residing in that area, who pay the same rates with their fellow-rate-payers of the Town proper, without receiving the same advantages ?

(b) In view of the urgency of effective drainage of the above area, has the Government come to any decision as to whether it should permit the storm-water from that area to flow into the canal, as it used to do before canalization by Government of the channel ?

(c) If no decision has yet been arrived at, will the Government be pleased to state when it is likely to come to a decision on the subject ?

(d) Considering that considerable difficulties have arisen in draining the area in question owing to the stoppage of the flow of storm-water into the canal and the present unsuitability of the intercepting sewer, which was built at the instance of the Government, will the Government be pleased to make a substantial contribution to the funds of the Corporation to enable that body to relieve the aggrieved rate-payers by constructing suitable drainage works ?

The Hon'ble MR. MCINTOSH replied :—

"Government is aware of the unsatisfactory state of the drainage of the area referred to. The proposal to permit the discharge of the surface water of this area into the Circular Canal was referred to a Committee, of which the Hon'ble Mr. Collin was the President, and the Sanitary Commissioner, Bengal, and the Health Officer of the Corporation were the members. The Report of the Committee has lately been received and is adverse to the proposal on sanitary grounds. The surface storm water cannot be permitted to enter the canal, as Government is advised that this would be dangerous to health."

"It is not proposed that Government should contribute towards the cost of the drainage operations."

INFANT MORTALITY IN BENGAL.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(a) As a means to prevent the yearly increasing waste of infant life in Bengal, it is said in the Report of the Sanitary Commissioner for Bengal, for 1905, that Government caused two leaflets, containing simple instructions about the feeding and the rearing up of children and prescribing the diet of Indian mothers after child-birth, to be prepared and distributed broadcast for the education of the general public in these matters.

Have similar leaflets been circulated in the present year, and is the Government in a position to say how far these leaflets have produced the desired effect?

(b) May I ask what other measures the Government have taken or intend to take for the reduction of the percentage of infant mortality in Bengal?

The Hon'ble MR. MCINTOSH replied:—

“The leaflets were distributed towards the close of last year and in the earlier part of this year. Government is not in a position to say what effect, if any, they have had, but the subject will again doubtless be dealt with by the Sanitary Commissioner in his next Annual Report. It cannot be expected that they will have an immediate effect, though in time they may do some good by helping to remove old prejudices.”

CHOLERA AND SEPTIC TANKS.

The Hon'ble BABU RADHA CHARAN PAL asked:—

Considering that there has been an abnormal rise in cholera mortality, has the Government ascertained how far this is due to the rapidly increasing number of septic tanks in Bengal?

The Hon'ble MR. MCINTOSH replied:—

“The Hon'ble Member has not mentioned the localities in which he believes there has been an abnormal rise in cholera mortality. Government is not aware that there has been any rise in the mortality from cholera which could in any way be due to septic tank installations.”

LOWIS JUBILEE SANITARIUM.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(a) Has the attention of the Government been drawn to the paragraphs published in the “Bengalee” of the 27th ultimo, on the proposed Phthisical Ward at the Lowis Jubilee Sanitarium?

(b) Is it not a fact that three eminent medical authorities and two experienced Divisional Commissioners, consulted by Government, were in favour of the construction of this ward?

(c) Did not the Government also approve of the construction of this ward on its present site?

(d) Now that the ward has neared its completion, and as the abandonment of the design at the present juncture will mean the throwing away of so much money and labour, will the Government be pleased to state what final decision it has arrived at in regard to this matter?

The Hon'ble MR. MCINTOSH replied:—

“The attention of the Government has been drawn by the Hon'ble Member to the article in the *Bengalee* to which he refers. That article contains a very misleading statement of the history of the case regarding this proposal to have a phthisical ward at the Lowis Jubilee Sanitarium at Darjeeling.

"The question is one of very great importance to the patients themselves and to the public. An endeavour is being made, in consultation with the Committee of the Sanitarium and with medical officers, to arrive at a decision which will be in the interests of the patients and of the public. But the Government has not arrived at a final decision in regard to it; and the matter is still under consideration."

PRESIDENCY COLLEGE.

The Hon'ble BABU RADHA CHARAN PAL asked:—

Will the Government be pleased to state whether it is in its contemplation to remove the Presidency College from its present site to a place outside Calcutta?

The Hon'ble MR. RICHARDSON replied:—

"The Government has no intention whatever of removing the Presidency College from Calcutta. That was decided long ago; and the Government has since been considering, in consultation with Educational Officers and others interested in the Presidency College, the question of improving that institution. It has been strongly urged by some, that the college should be removed from its present site to one of the suburbs of Calcutta. The main object of this proposal is to obtain more room for extension of the college buildings and for hostels. The Government, however, as at present advised, is in favour of retaining the present site, and gradually acquiring land, as funds permit, for the improvement of the college. At the same time the Lieutenant-Governor has thought it right to hear any arguments that might be advanced in favour of a change of site within Calcutta or its suburbs. He has invited opinions, and will decide the question when these opinions have been considered."

THE BENGAL TENANCY (AMENDMENT) BILL, 1906.

The Hon'ble MR. CARLYLE moved that the Bill to amend and supplement the Bengal Tenancy Act, 1885, be referred to a Select Committee consisting of the Hon'ble Mr. Slacke, the Hon'ble Mr. Gordon, the Hon'ble Asif Kadr Saiyid Wasif Ali Mirza, the Hon'ble Raja Ban Behari Kapur, the Hon'ble Babu Bhupendra Nath Basu and the Mover.

The Motion was put and agreed to.

THE BENGAL LOCAL SELF-GOVERNMENT (AMENDMENT) BILL, 1906.

The Hon'ble MR. MCINTOSH moved that the Bill to amend the Bengal Local Self-Government Act of 1885 be referred to a Select Committee consisting of the Hon'ble Mr. Slacke, the Hon'ble Mr. Inglis, the Hon'ble Babu Jogendra Nath Mukherjee, the Hon'ble Babu Jogendra Chandra Ghose and the Mover.

The Motion was put and agreed to.

The Council was then adjourned to Saturday the 12th January, 1907.

CALCUTTA;
The 17th December, 1906. }

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette

EXTRAORDINARY.

THURSDAY, AUGUST 16, 1906.

Government of Bengal.

APPOINTMENT DEPARTMENT.

THE following notification is republished for general information.

R. W. CARLYLE,
Chief Secy. to the Govt. of Bengal.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 15th August 1906.

No. 949.

A TEMPORARY vacancy having occurred in the office of Lieutenant-Governor of Bengal consequent on the appointment of the Hon'ble Mr. Lancelot Hare, C.S.I., C.I.E., who is at present officiating as Lieutenant-Governor of Bengal, to be Lieutenant-Governor of Eastern Bengal and Assam, the Governor-General of India is pleased, under the authority vested in him by the 29th section of the Act, 21 and 22 Vict., Cap. 106, and subject to the approbation of His Majesty, to appoint the Hon'ble Mr. Francis Alexander Slack, Officiating Member of the Board of Revenue, Lower Provinces, to officiate as Lieutenant-Governor of Bengal during the absence of the Hon'ble Sir Andrew Henderson Leith Fraser, K.C.S.I., on leave. The Hon'ble Mr. Slack has this day assumed charge of the office of Lieutenant-Governor of Bengal.

By order,
H. H. RISLEY,
Secretary to the Government of India.



SUPPLEMENT TO The Calcutta Gazette.

WEDNESDAY, JULY 4, 1906.

OFFICIAL PAPERS.

[*Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on payment of five rupees per annum if delivered in Calcutta, or seven rupees and eight annas if sent by post.*]

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RESOLUTION ON THE GENERAL ADMINISTRATION REPORT OF THE PATNA DIVISION FOR THE QJINQUENNIAL PERIOD 1900-01 TO 1904-05.

REVENUE DEPARTMENT—MISCELLANEOUS.

Darjeeling, the 28th June 1906.

RESOLUTION—No. 1349T.R.

READ—

The General Administration Report of the Patna Division for the quinquennial period 1900-01 to 1904-05.

THE Lieutenant-Governor has read with interest the Administration Report of the Patna Division for the last five years, which furnishes a full record of the progress made during that period.

1. *Material condition: Public health: Weather and crops: Prices of food and labour.*—It is to be regretted that the public health of the division was not good during the years under review, the average annual mortality exceeding $5\frac{3}{4}$ lakhs. The death-rate was highest in the districts of Patna and Saran, where the outbreak of plague has been most violent. Substantial assistance has been rendered by Government in the shape of grants to supplement the resources of District

Boards and Municipalities in dealing with the outbreak, and an organised crusade against rats has been instituted in the chief plague-infected areas. The average birth-rate per thousand of population rose from 37.51 in the preceding quinquennium to 42.76 in the one under report—an increase of more than five per thousand, which was shared by every district in the division. It is probable that both under the head of the death-rate and of the birth-rate a portion of the increase is due to better reporting. It is satisfactory to note that the material condition of the people, which is very largely dependent upon the outturn of the crops, was better at the close than at the commencement of the quinquennium. In spite of the prevalence of plague, which has entailed much suffering, there has been no serious distress, such as occurred during 1896-97, the year of the famine. The outturn of the crops has varied very considerably, being generally regulated by the rainfall, which has been very unevenly distributed during the five years under review. Prices fluctuated accordingly, good harvests in 1903-04 lowering the price of wheat, while prices of common rice ruled high in Patna, Saran, Champaran, and Darbhanga during 1901-02. The price of salt owing to the reduction of the salt-tax is lower than at any time during the last fifteen years.

2. *Manufactures and Mines.*—Besides opium and other exciseable articles, the principal manufactures are indigo, sugar and saltpetre. Indigo, which has long been the chief article of manufacture in the North Gangetic districts of the division, has shown a steady decline during the years under review both in the outturn and in the value of the indigo produced. The price per maund is now barely sufficient to cover the cost of production, and sugar, cotton and country crops are now in many cases taking its place and are found to yield a more profitable return. It remains to be seen whether the introduction of Java indigo on a large scale will enable natural indigo successfully to compete with the artificial product. The manufacture of refined sugar on an extensive scale is one of the immediate results of the decline of the indigo industry. The Otter sugar factory, equipped with the most modern crushing and refining machinery, was started in 1902-03, and other sugar works in Saran and Champaran have since been started with much promise of future success. The manufacture of saltpetre continues to decline, though the figures for salt show a slight improvement on the last quinquennium. The opium factory in Gulzarbagh in the Patna district furnished employment for large numbers of labourers and skilled artisans. An industrial exhibition was held for the first time at Sonepur in November 1904. Considering the short time available for preparation, the display of exhibits was very creditable, and it is hoped that the exhibition will be held annually in future and that its scope will be further extended. The only mines in the division are the mica mines in the subdivision of Nawada in the Gaya district. The average outturn per annum was 3,200 maunds, and almost the same number of labourers was employed as in the previous quinquennium.

3. *Trade and Commerce.*—It is satisfactory to note that trade as a whole showed a decided tendency to expand during the years under report, both imports and exports, showing a considerable increase. Patna still easily heads the list among districts both as regards imports and exports, though with the opening out of new railways all over the Division, bringing Bihar more closely into touch with Calcutta, it is necessarily losing something of the position of a central mart of exchange which it has so long held.

4. *Civil Justice.*—As regards civil justice, the only remarkable feature to notice is the very great increase of rent suits in districts where survey and settlement operations were completed before the expiry of the quinquennium. An enquiry was made by the Special Judge appointed under the Tenancy Act for the Darbhanga district, and he arrived at the conclusion that the increase was chiefly due to the fact (1) of raiyats withholding rents while operations were in progress in order to ascertain what rates would be settled, and (2) to the fact that landlords now have records on which they can safely rely in order to prove the relationship of landlord and tenant.

5. *Crime: Criminal Justice, Police.*—The total reported crime of the division shows a slight increase of 0.6 per cent. so far as cognizable cases are concerned, while in non-cognizable cases there is a decrease of 3.7 per cent.

Burglaries, which have always been numerous in Bihar, show a decrease of 2,500 cases. The most inveterate criminals in the division are the Magheya Domes, and it is satisfactory to note that special attention has been paid to them, and that many of them have been sent up and convicted of bad livelihood during the quinquennium, especially in the districts of Saran and Champaran. It is satisfactory to notice that the number of cases tried in the villages of the accused increased from 27.9 to 46.2 of the total. The dafadari system has now been introduced into all the districts of the division except the Andhara outpost of the Shahabad district, and promises to work well. The average annual number of chaukidars who earned rewards has more than doubled during the quinquennium. The Lieutenant-Governor trusts that the new system recently introduced will do much to increase the usefulness and efficiency of the village watch. Additional police were employed in four districts, mostly owing to land and religious disputes, except in Patna, where they were required on account of opposition shown to the plague operations, and once in connection with an attack made by villagers on some soldiers. The amount of criminal fines imposed fell considerably during the quinquennium, while the collections showed a marked improvement which was shared by all the districts of the division.

6. *Attached and Wards' Estates.*—The total number of estates under the Court of Wards at the commencement of the quinquennium was 18. Six of these were subsequently released and seven others were taken in charge, leaving 19 under management at the close of the period. The largest estate which passed out of Government control was that of Maharaj Kumar Gopal Saran Narayan Sinha, of Tikari, who assumed charge of it after attaining his majority on the 16th October 1904. The estate was under the charge of the Court for 19½ years, and during that time much was done to improve it. In eight of the twelve estates which remained under the management of the Court throughout the quinquennium the collections were satisfactory, being over cent. per cent. of the total current demands for the period under report. The large and important estate of Bettiah still remains the most heavily involved property under management. The debt, however, is being paid off, and will be entirely extinguished in 1925. Hathwa, which ranks next in size and importance, is the most solvent of all, having a considerable sum invested in Government and other securities. The Lieutenant-Governor observes with pleasure that the relations between the tenants and the management of the Court were satisfactory.

7. *Excise.*—The total excise revenue of the division rose from Rs. 29,15,337 in 1901 to Rs. 34,78,204 in 1904-05. The main increase was under the head of country spirits, which increased from Rs. 17,64,906 to Rs. 24,49,569. The increase in the revenue from country spirits coincided with a considerable decrease in consumption. The consumption in 1900-01 was 4,991,522 gallons against 3,300,339 gallons in 1904-05 and the incidence per gallon increased from 5 annas 8 pies to 10 annas 5 pies.

8. *Savings Banks.*—It is very satisfactory to note that the number of accounts has increased from 24,190 in 1900 to 33,657 in 1905, or by 35.1 per cent. This is all the more satisfactory, as the increase in the amount deposited has only increased from Rs. 28,40,519 to Rs. 35,76,298, or by 25.9 per cent., thus showing that the poorer persons are availing themselves of the facilities afforded by these banks.

9. *Railways and other Public Works.*—The construction of the Boktearpur Light Railway, which was sanctioned by the Government of Bengal in June 1901, was completed, and the line was opened on the 20th July 1903. Its prospects are promising, and already the question of the extension of the line to Silao is under the consideration of the Board. The most important development of the Bengal and North-Western Railway, was the opening of the Hajipur-Bachhwara extension to goods and passenger traffic during the period under report. The canal system was further developed by the construction of the Dhaka and the partial construction of the Tribeni Canal, both of which originated as famine relief works in the district of Champaran during the famine of 1896-97. The latter on completion will be some sixty miles in length and should irrigate an area of 114,000 acres, the estimated cost being over 37 lakhs.

The Sone Canals, which are the most important in the division, irrigate some 500,000 acres, and it is satisfactory to note that there has been a very considerable rise in the receipts accompanied by a decrease of expenditure. There is room for development in the organisation of the system of private irrigation prevailing in the Gaya district and in the utilisation in the frontier districts north of the Ganges of the numerous small rivers flowing down from Nepal which are at present practically running to waste.

10. *Education.*—The Lieutenant-Governor observes with pleasure that in spite of the prevalence of plague, education has made material progress in the Patna Division. Both the number of schools and the number of pupils show a considerable increase, there having been a gain of 517 schools and 21,995 pupils. The largest increase is under the head of Primary Schools. A training school for Deputy Inspectors and Sub-Inspectors of Schools has been opened at Patna and a model girls' school has been opened in each district. Owing to the prejudices of the people, the education of girls has made but slow progress, there being only something over three hundred more pupils in girls' schools throughout the division than there was ten years ago, while the number of schools is actually less. A movement is now on foot for the establishment of schools where the *purda* system can be strictly observed. In Patna one such school aided by a grant from Government is already in existence, the pupils being chiefly Muhammadan girls of good family.

11. *Dispensaries and Hospitals.*—The number treated in hospitals and dispensaries has risen from 679,165 in 1899 to 973,150, while the daily average number of patients increased from 5,889 to 7,347. Expenditure has risen from Rs. 1,76,000 to Rs. 2,63,000, and it is satisfactory to note that the average annual income from private subscriptions and endowments has risen from Rs. 46,613 to Rs. 1,16,071 in the quinquennium under report. Managing Committees have been appointed for all dispensaries with the object of emphasizing as far as possible the distinction between expenditure on charitable objects and that on ordinary municipal administration.

12. *Local Self-Government.*—There were 26 Municipalities in the Division at the close of the quinquennium with 386 members of the Municipal Boards. It is satisfactory to note as evidence of the greater interest taken in municipal affairs that the percentage of attendance of members has shown an improvement in the great majority of Municipal Committees. As regards the financial position of the municipalities, there has been a steady increase both in the total income and expenditure, the increase in the former amounting to 20.9 per cent. and in the latter to 20.3 per cent. The maintenance of roads, the improvement of drainage and the provision of adequate conservancy arrangements make the chief demand upon municipal income. In Bihar and Chapra drainage schemes are in preparation, while the Muzaffarpur Municipality has shown enterprise in the construction of a septic tank and of a new market in the centre of the town. The Patna Municipality, which is the foremost in the division, has been much hampered by the necessity of incurring heavy plague expenditure, in which, however, it has received liberal assistance from Government.

13. *Relations between landlords and tenants.*—The Lieutenant-Governor is glad to observe that the relations between landlords and tenants have been on the whole satisfactory during the period under report, though there are many exceptions to this where the zamindars have tried to set aside the settlement records and where the landlords are absentees. The tenants still remain an ignorant class, though many of them are beginning to acquire a more exact knowledge of their rights. It is satisfactory to note that all the District Officers agree in reporting the excellent relations existing between indigo planters and their raiyats in all the indigo districts throughout the period under review.

The Lieutenant-Governor thanks Mr. Levinge for his report.

By order of the Lieutenant-Governor of Bengal,

R. W. CARLYLE,
Chief Secretary to the Govt. of Bengal.

RESOLUTION ON THE GENERAL ADMINISTRATION REPORT OF THE BHAGALPUR DIVISION FOR THE YEARS 1900-01 TO 1904-05.

REVENUE DEPARTMENT—MISCELLANEOUS.

Darjeeling, the 30th June 1906.

RESOLUTION No. 1370T.—R.

READ—

The General Administration Report of the Bhagalpur Division for the years 1900-01 to 1904-05.

The period with which the Quinquennial Report of the Bhagalpur Division deals can be described as one of moderate material condition of the people. prosperity coupled with some advance in the material condition of the people. It is true that the rainfall was below the average and at times unseasonable in its distribution, that consequently the crops were generally disappointing and the rice crop a poor one, and that twice there was apprehension of local scarcity, yet there does not appear to have been any lack of food-stocks. This is proved by the facts that the reported export of food-grains averaged about 47 lakhs of maunds a year, against an annual average import of 8 lakhs, and that in spite of this large export, prices, except in the case of rice, kept fairly steady. Wages have risen, the demand for artizans has advanced, imports of commodities have increased and traders have, despite the dislocation of local trade caused by the appearance of the plague, done well. The raiyat, thanks to the knowledge acquired by constant attendance at the Settlement Courts, has become more and more acquainted with his rights. On the other hand, the professional classes have fared ill, and the old landed families are being gradually ousted by the Mahajan who continues to flourish at their expense. The flow of emigration from the Sonthal Parganas remained fairly steady, but there was a marked increase in the number of registered emigrants owing to the passing of Act VI of 1901 which closed the district to open recruiting. The general health of the Division, with the exception of Monghyr and Purnea, was good. No doubt the average death-rate for the quinquennium was large, but this was due to the exceptional severity of the epidemic of cholera which occurred in 1900 and which wrought such havoc in Purnea. As usual, the diseases coming under the generic term "fever," accounted for the largest proportion of deaths. In 1900 plague appeared for the first time in the Division, Monghyr being the district which was most severely affected. It is satisfactory to note that the strenuous opposition which was at first offered to the efforts of Government to prevent the spread of this disease, has now practically vanished. The reported birth-rate has increased, and this is due probably to improved registration. The birth-rate is largely in excess of the death-rate. The standard of comfort appears to be rising, for it is reported there has been a general increase in the use of articles formerly confined to the wealthier classes. On the other hand the less successful members of the professional classes and the lower paid Government servants have suffered as prices continued high while wages of servants have tended to rise.

2. The Lieutenant-Governor notices with regret that the Indigo industry in the Division has suffered severely from Manufactures, etc. the competition of the German artificial product and a succession of bad harvests. The area under Indigo has diminished by one-half. Poppy cultivation is stationary. The molasses industry is doing well. The manufacture of silk thread continues to be the most important industry in Malda, but it is unfortunate that the manufacture of silk fabrics, which at one time were exported even to Persia, is on the decline. Mixed silk and cotton fabrics thrive, and there is a considerable industry in cotton cloth in the Sonthal Parganas, where the aborigines weave it for their own use. Other industries which have maintained their former level or show signs of improvement are the manufacture of fancy ebony work

at Monghyr ; of blankets in the district of Bhagalpur and at Katihar ; of mats at Kishanganj ; of bell-metal utensils in Malda ; of gunny-bags in Purnea ; of cart-wheels in Kishanganj and of lac in the Sonthal Parganas. A marked development has occurred in the lastnamed industry. There has been a considerable falling off in the manufacture of fire-arms in Monghyr, attributable to a decline in the demand owing to the greater care with which licenses are granted and to competition with European and American weapons of superior quality and cheaper price. The output of coal and mica has fallen off.

3. In all the principle articles of import, such as coal, salt, sugar, kerosine oil and cotton piece-goods, there has been a marked expansion. Owing to the extension of the Tirhut State Railway to Katihar, trade that was formerly river-borne and thus escaped registration, is now conveyed by rail, yet this cannot alone account for an increase of 54.4 per cent. in the registered import trade. There has also been an increase but not on so large a scale in exports. In the export of food-grains, there has been a slight decrease, but as noticed elsewhere, the exports largely exceeded the imports. It is satisfactory to note that the export trade in jute is nearly double what it was during the preceding quinquennium, principally owing to the large extension of cultivation in Purnea during the last two or three years.

4. The most noticeable feature regarding Civil Justice is the marked influence, the different stages of the settlement operations (which were in progress on a large scale throughout the Division except Malda) had on the statistics of rent and title suits disposed of in the Civil Courts. In Madhipura, there was a large increase of rent suits in 1904 because the landlords hoped that Civil Court decrees would assist them at attestation ; and in Begusera, in the same year, after attestation was over, there was similarly a large increase, probably because arrears of rent had accumulated during the pendency of the settlement proceedings. In the same subdivision, a large increase also occurred in the number of title suits ; these were instituted to set aside the decrees of the Settlement Courts. In the Sonthal Parganas, on the other hand, there was a large decrease in such suits, because, while settlement operations are being carried on, the jurisdiction of the Civil Courts ceases with regard to such suits. There has been a slight falling off in the number of money suits. This is attributed to bad harvests ; it can equally be attributed to the fact that the people were too much taken up with the settlement. It is satisfactory to note that in Monghyr, the average time for disposing of a rent suit has decreased considerably, and that this is attributed to the publication of a record-of-rights for the Begusera subdivision.

5. Reported crime has increased. The increase is more marked in the case of cognizable crime than in the case of non-cognizable crime, a fact which is attributed to bad harvests which restrict petty litigation, but increase serious crime. It follows that stipendiary Magistrates who generally deal with serious crime have had more work to do. The work of Honorary Magistrates, who deal more particularly with petty crime, has at the same time decreased. On the whole, however, there has been a slight decrease in the combined work of both classes of Magistrates. A marked feature of the period was a serious outbreak of dacoity in Purnea and North Bhagalpur on the borders of the Nepal Terai. The results of Police investigations have not been very satisfactory. Both the numbers of police cases investigated and of uninvestigated petty cases of burglary and theft, in which detection was hopeless from the first, have increased. There has also been a decrease in the percentage of convictions to investigations in Monghyr, Purnea and Bhagalpur. This seems to point, as remarked by the Commissioner, to a lack of detective ability and a want of careful investigation on the part of the police, and may to some extent be due to the influx of comparatively raw and untrained officers to the ranks of Sub-Inspectors. The training they have got at the Bhagalpur Police Training School will no doubt tell in the end but it cannot replace at once the long experience which the older

Sub-Inspectors gained while serving as head constables. With some years of practical experience, their work should be much better than that of their predecessors. In Bhagalpur the results have been better since 1904, and Purnea has been receiving the special attention of the Inspector-General of Police. His attention will be drawn to the case of Monghyr. It is satisfactory to note that the conduct of the Police force as a whole has improved.

6. Though attempts have been made to secure a better class of chaukidars Rural Police. and the daffadari system has been introduced generally, it is reported that there has been no appreciable improvement in consequence. It is, however, satisfactory to note that in Monghyr the *morale* of the chaukidars has improved. It is reported that this is due to the fact that petty rewards and fines are being gradually discouraged. In the Sonthal Parganas, the chaukidars in consequence of the enactment of Regulation III of 1890, which first gave them a legal status, are placed under the village headman who is vested with police powers; consequently no daffadars have been appointed there. The Lieutenant-Governor is pleased to note that the Regulation has on the whole worked well.

7. Settlement proceedings were in progress in all the districts of the Revenue. Division except Malda. In Monghyr the operations have now been completed. It is noteworthy that the information supplied by the settlement records has led to an improvement of land registration in Monghyr. Settlement also accounted for a large increase in the stamp revenue. The Lieutenant-Governor notices with satisfaction that the education of all the minors under the Court of Wards was well looked after during the quinquennium and that the conditions of the tenantry of estates under direct management was on the whole satisfactory.

8. The period was remarkable for the activity displayed in the extension Railways and communications. of Railways. The Hajipur-Katihar Extension of the Bengal and North-Western Railway was opened in 1901. A new line from Mansi on the same extension to Bhaptihi on the Khanwa Ghat branch of the Tirhut State Railway was started. The construction of a light railway in Monghyr from Khagaria on the Ganges to Roserha was submitted for the approval of Government just after the close of the period. Lines from Bhagalpur to Bansi and from Katihar to Godagari are also under contemplation. There was also an extension of roads everywhere except in Malda. The increase was most marked in Purnea, which has the largest mileage in the Division. Much activity was also shown in the construction of bridges and the improvement of existing roads by the various District Boards. That definite programmes have been drawn up for improving roadside avenues is satisfactory. The improvement of the steamer service on the Ganges, which is now reported to be regular and rapid, is noteworthy.

9. The Lieutenant-Governor is pleased to observe that there had been a steady advance in the number of schools and in the Education. attendance at them, except during the last year of the quinquennium when there was a decided falling off. Though this is attributed to the change of system and in particular to the abolition of the departmental examinations, which is said to have deterred parents from keeping their children at school, it must be admitted that the period is one of transition, and it is too early yet to judge by these results. There has been great progress in the education of the aborigines of the Sonthal Parganas. This is due to the Missionaries. Female education has recovered from the check it received during the former quinquennium and has now made considerable progress especially in Purnea and Malda. The proportion of Muhammadans attending school corresponds generally to the percentage of Muhammadans in the whole population, and the percentage of Muhammadans holding ministerial posts under Government in the Division is good.

10. His Honour is pleased to observe that the medical institutions in the Hospitals and Dispensaries. Division are steadily gaining popularity, and that they have received adequate support from the District Boards and Municipalities. The advance is most marked in the number of out-patients, particularly in the two unhealthy districts of Purnea and Malda.

During the quinquennium the total number of hospitals and dispensaries increased from 47 to 62. It is satisfactory to note that the question of affording veterinary assistance has been receiving the attention of the District Boards. There were at the close of the quinquennium dispensaries in Monghyr and Purnea, and an itinerary Assistant in Bhagalpur.

11. In connection with the settlements in this Division, there has been a good deal of friction between landlords and tenants. Relations between landlords and tenants. Some of the landlords have resorted to means of increasing rents in conflict with the provisions of section 29 of the Tenancy Act. There have been other cases also in which oppression was exercised by the landlords to increase rents or to levy *abwabs*. The Sonthal Parganas forms an exception as the protection conferred by Regulation III of 1872 against illegal enhancements and exactions is generally effective. The only serious disturbance arising from strained relations between zamindars and tenants occurred in the Purnea district in 1901 in pargana Dharampur where raiyats were reported to have agreed to an enhancement of rent on condition that the indigo cultivation was given up. When orders were given to continue the cultivation of indigo, the raiyats refused in a body either to pay enhanced rents or to grow indigo. Matters finally quieted down after additional police had been quartered in the pargana and special constables had been appointed, and after the Maharaja of Darbhanga made various concessions.

12. The Lieutenant-Governor thanks the Commissioners who have held charge of the Division for their efficient administration, and Mr. D. J. Macpherson for his report.

By order of the Lieutenant-Governor of Bengal,

R. W. CARLYLE,

Chief Secretary to the Govt. of Bengal.

RECOMMENDATION TO BE MADE BY THE DISTRICT BOARDS OF THE PRESIDENCY DIVISION FOR THE NOMINATION OF A MEMBER TO THE BENGAL LEGISLATIVE COUNCIL.

No. 1747 A. D.

RESOLUTION.

APPOINTMENT DEPARTMENT.

Dated Darjeeling, the 30th June 1906.

THE seat in the Bengal Legislative Council of the Hon'ble Babu Ambika Charan Mazumdar, who was nominated as the representative of the District Boards of the Dacca Division on the 2nd August, 1904, will be vacant on the 1st August, 1906.

2. In paragraph 5 of the Resolution of this Government, No. 1553J, dated the 25th March, 1893, it was prescribed that District Boards should be grouped together, Division by Division, and that District Boards within each divisional area should take it in turns to exercise the privilege bestowed upon them of recommending a person for nomination to the Coancil. In the same paragraph a sketch was given of the form which the rotation would probably assume, but it was mentioned that the Lieutenant-Governor could not bind himself or his successor as to the exact order in which the privilege would in future be exercised.

3. From the 6th September, 1897, to the 28th February, 1898, during which period Maharaja Jagadindra Nath Ray of Natore was the representative of the District Boards of the Rajshahi Division, no Council was held; the period of representation by these District Boards was therefore extended by a year. In August 1903, it was deemed expedient, in view of pending legislation in amendment of the law of Landlord and Tenant in Chota Nagpur, that a representative of the Chota Nagpur District Boards should sit in Council instead of a representative of the District Boards of the Dacca Division, a return to the original roster being made in August, 1904. The following table shows the deviations which have actually occurred from the roster proposed in 1893:—

Roster of District Boards proposed in 1893.		Actual Roster.	
1893-95	... { Patna. Chittagong.	1893-95	... { Patna. Chittagong.
1895-97	... { Dacca. Bhagalpur.	1895-97	... { Dacca. Bhagalpur.
1897-99	... { Presidency. Kajshahi.	1897-99	... { Presidency. Rajshahi.
1899-1901	... { Burdwan. Orissa.	1897-1900	... { Burdwan. Orissa.
1901-1903	... { Patna. Chittagong.	1899-1901	... { Patna. Chittagong.
1903-1905	... { Dacca. Bhagalpur.	1900-1902	... { Dacca. Chittagong.
1905-1907	... { Presidency. Rajshahi.	1901-1903	... { Chota Nagpur. Dacca.
		1902-1904	... { Chota Nagpur. Dacca.
		1903-1905	... { Chota Nagpur. Dacca.
		1904-1906	... { Chota Nagpur. Dacca.
		1905-1907	... { Chota Nagpur. Dacca.

4. The formation of the New Province of Eastern Bengal and Assam and the transfer thereto of the Divisions of Dacca, Rajshahi and Chittagong now necessitates the drawing up of a new roster both with regard to the rotation of groups of District Boards and groups of Municipalities. The Lieutenant-Governor, however, is of opinion that no such new roster should be prescribed until the question of reconstituting the Divisions of Bihar has been finally settled.

5. Meanwhile, as District Boards of the Presidency Division have not been represented in the Bengal Council since 1899, and since under the present roster it would now be their turn to recommend a representative to fill the seat to be vacated by the Hon'ble Babu Ambika Charan Mazumdar, the Lieutenant-Governor has decided that the recommendation should be made by this group. The necessary notification will now be published in the

Calcutta Gazette, specifying the District Boards of the Presidency Division as the group of Boards on whose recommendation the Lieutenant-Governor will make a nomination to the seat. Each District Board will elect one representative only, and he will be entitled to exercise all the votes of the body which he represents.

6. The following statement shows the District Boards which will send delegates to vote for a person to be recommended for the vacant seat, and the number of votes assigned to them according to the scale shown in paragraph 5 of the Resolution of this Government, No. 2307A., dated the 31st March, 1897.

The ordinary income taken is that for 1904-1905:—

DIVISION.	District Board.	Ordinary income.	Number of votes to be recorded by the representatives.
Presidency	24-Parganas	Rs. 2,54,911	5
	Nadia	1,52,110	3
	Murshidabad	1,00,482	2
	Jessore	1,64,979	3
	Khulua	1,70,267	3

7. Under Rule IV of the Regulations framed by the Governor-General in Council with the approval of the Secretary of State under section 1 (4) of the Indian Councils Act, 1892, for Bengal, the Lieutenant-Governor now desires that the Commissioner of the Presidency Division will at once address the Chairmen of the District Boards enumerated in the above list, requesting them to convene a special meeting of their Board at which one member of the Board should be selected to represent them for the purpose of making the recommendation for the seat in Council and expressing a desire to receive the names of any candidates for the Council who may offer themselves for recommendation.

8. The period of three months laid down in Rule VII of the Regulations as that within which a recommendation shall be made to the Lieutenant-Governor will run from the date on which the Commissioner of the Division issues his request to the Chairmen of the District Boards.

9. All candidates for the Council should be proposed and seconded by two members of one of the District Boards included in the group; and their names, addresses and qualifications, with those of their proposers and seconders, should be reported to the Commissioner by the Chairman of the Board to which the proposer and seconder in each case belong, so as to reach him not later than a month before the date fixed for the appointment of a representative under Regulation V (c), which date should at the same time be notified to the Commissioner. It will be the business of each Chairman to see that this is done.

10. The Commissioner should enter the names of candidates for the Council, who have been duly proposed and seconded, with those of their proposers and seconders, and the other particulars above noted as they reach him, in a list to be kept for the purpose; and should circulate this list to all District Boards included in the group, so as to reach them before the date fixed for the appointment of a representative. On the date on which the meeting for the purpose of appointing a representative is held, the list of candidates mentioned above should be circulated to each member present at the meeting. It will rest with the District Boards, if they see fit, to give clear and definite instructions to their representatives as to the way in which they should vote, that is, as to the candidate for whom they should vote, declaring the name of the candidate to whom all their votes should be given or, if to be given to more than one candidate, the order and manner in which such votes should be given.

11. As soon as the representatives have been selected, they will be called upon by the Commissioner of the Division to meet together on an early and convenient date, with special reference to the limit imposed by Rule VII of the

Regulations, and at such convenient place as he may specify, for the purpose of electing, by a majority of votes, a person whom they will recommend to the Lieutenant-Governor to be nominated as a member of the Council.

12. The electoral representatives present at this meeting shall elect one or themselves to be Chairman, and he shall preside and be responsible for the fair and proper conduct of the voting.

13. The names of all candidates entered on the list mentioned above, together with those of their proposers and seconders, shall be read out by the Chairman, and the representatives shall then proceed to vote. The person elected must obtain a majority of the votes of the representatives present. If on the occasion of the first vote an absolute majority is not obtained, the name of the candidate who obtains the least number of votes shall be withdrawn from the election, and another vote shall then be held for the remaining candidates, and so on, until an absolute majority is obtained.

14. The Chairman of the meeting shall without delay report to the Commissioner of the Division the name of the person elected, with the number of votes obtained, and any other information which it may appear desirable to communicate, and on behalf of the meeting shall recommend to the Lieutenant-Governor the nomination to the Council of the person so elected. The Commissioner shall submit the report from the Chairman of the meeting, with any observations he may wish to add, to the Chief Secretary to the Government, by whom the recommendation will be submitted to the Lieutenant-Governor.

15. Attention is drawn to the following Rule VI of the Regulations which have been framed by the Governor-General in Council with the approval of the Secretary of State:—

VI.—It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person resident within the Municipality or the District in which it is situated or in some one of the Municipalities constituting the group or of the districts in which they are situated.

A similar condition shall also apply to persons to be recommended by District Boards.

Explanation.—A person is not "resident" within the meaning of this Rule unless he has a place of residence in the locality concerned, and such practical connection with that locality as qualifies him to represent the inhabitants thereof.

If at any time the question is raised whether a person proposed for election is "resident" within the meaning of this Rule, the question shall be referred to and decided by the Local Government, whose decision shall be final.

Under this rule it is not necessary that the person recommended should be a member of any District Board concerned, but he must be resident within the Division from which the recommendation is made. Subject to this condition, the rules declare no limit of qualification, and it is left to the representatives to recommend a person under Rule V (c) according to the majority of their votes.

16. It is desirable that the subsidiary arrangements now sanctioned shall, as far as possible, be given effect to by the District Boards concerned with the minimum amount of official interference. The Divisional Commissioner and the District Magistrates will, of course, afford any assistance which may be required, and will do their utmost to facilitate the smooth working of the elections; but Government officers are forbidden to take part, directly or indirectly, in the election by canvassing, influencing votes, or otherwise interfering with the free choice of the District Boards. No indication should be given by any official member of any of the District Boards concerned as to the manner in which he himself intends to vote.

ORDERED that a copy of this Resolution be furnished to the Commissioner of the Presidency Division for information and guidance, and for communication to the District Boards in his Division.

ORDERED also that a copy be published in the *Calcutta Gazette*.

By order of the Lieutenant-Governor of Bengal,

R. W. CARLYLE,
Chief Secy. to the Govt. of Bengal.

ADMINISTRATION REPORT OF THE METEOROLOGICAL REPORTER TO
THE GOVERNMENT OF BENGAL FOR THE YEAR 1905-1906.

The 2nd July 1906.—The following report is published for general information.

R. W. CARLYLE,
Chief Secy. to the Govt. of Bengal.

THE Bengal Meteorological Department was in charge of Mr. G. W. Küchler from 1st April to 1st October, and in charge of Prof. J. A. Cunningham from 2nd October to the end of the year.

2. Owing to the transfer of the district of Sambalpur in the Central Provinces to Bengal from 16th October 1905, the third-class observatory at Sambalpur has been placed under my control.

3. In paragraph 2 of the Administration Report for the year 1904-1905, Mr. Küchler reported that of the 19 fourth-class observatories sanctioned by the Government of Bengal, he was unable to arrange for the establishment of an observatory at Chandkhira. Since then an observatory has been established at Chandkhira and placed in charge of the Sub-Post Master of the place. The observer commenced to record the observations from the 5th October.

4. After considerable delay, the observatory at Angul, sanctioned by the Government of India in June 1903, was started on the 23rd December 1905.

5. Three observatories were hence added to the list of the previous year, and the total number of observatories under the control of the Bengal Meteorological Department on the 31st March 1906 was 66, of which 5 are second class, 41 third class, 19 fourth class and 1 voluntary. The following table gives the names and distribution of these 66 observatories:—

Second-class observatories (5).

Chittagong.	False Point.
Darjeeling.	Hazaribagh.
Saugor Island.	

Third-class observatories (41).

Angul.	Daltonganj.	Muzaffarpur.
Arrah.	Dehri.	Mymensingh.
Balasore.	Dinajpur.	Narayanganj.
Bankura.	Faridpur.	Naya Dumka.
Barisal.	Gaya.	Noakhali.
Berhampore.	Jalpaiguri.	Patna.
Bhagalpur.	Jessore.	Puri.
Bogra.	Krishnagar.	Purnea.
Burdwan.	Laheria Serai (Darbhanga).	Purulia.
Buxar.	Malda.	Rampur Boalia.
Chaibassa.	Midnapore.	Ranchi.
Chapra.	Motihari.	Raniganj.
Comilla.		Rangpur.
Cuttack.		Sambalpur.
		Sirajganj.

Fourth-class observatories (19).

Bishnath.	Doom-Doom.	Kurseong.
Borjuli.	Gosulundo.	Messa.
Brahmanberia.	Golaghat.	Nagarkatta.
Chandkhira.	Jorehat.	Pabna.
Dam-Dim.	Hailakandi.	Panerihat.
Dikom.	Kalchini.	Panighatta.
	Srimangal.	

Voluntary observatory (1).

Cooch Behar.

6. The construction of the Monghyr Observatory has been finished, and it is expected that the observatory will be started shortly.

7. Automatic instruments recording pressure and temperature were supplied to Hazaribagh, where they were brought into use from 16th August. The following table shows the names of the observatories where these instruments have been in use during the past year:—

Chittagong.	Puri.
Burdwan.	Cuttack.
Saugor Island.	Balasore.
Hazaribagh.	

8. By direction of the Government of Bengal a self-recording barometer, dry and wet bulb thermometers and a rain-gauge were supplied to Fraserganj, situated about 16 miles to the S. E. of Saugor Island, but no observations have yet been received from this station.

9. *Award for special observations*—The observers at Barisal, Berhampore Burdwan, Cuttack, Darbhanga, Hazaribagh, Ranchi, and Saugor Island were granted special awards by the Meteorological Reporter to the Government of India and Director-General of Indian Observatories for storm observations and earthquake reports during the past year.

10. *Inspection of Observatories*.—The following table gives the names of the observatories that were inspected during the past year, the dates of inspection and the condition of the observatory at the time of inspection:—

Name of station.	Date of inspection.	Condition of the observatory at the time of inspection.
Chaibassa	22nd, 24th to 26th July	Tolerable.
Purulia	29th and 31st July	Good.
Ranchi	3rd to 5th August	Good.
Hazaribagh	11th to 16th August	Satisfactory.
Cnaibassa	13th and 14th November	Tolerable.
Ranchi	20th and 21st February	Good.
Chaibassa	24th February	Fair.
Balasore	13th and 14th March	Good.
Cattack	15th, 16th and 21st March	Satisfactory.
Chittagong	16th to 18th March	Satisfactory.
False Point	17th to 20th March	Satisfactory
Noakhali	21st and 22nd March	Good.
Puri	22nd and 23rd March	Bad.
Narayanganj	24th and 25th March	Good.

11. *Work at Observatories*.—All the second class observatories (with the exception of Saugor Island) submitted accurate observations throughout the year: the number of mistakes found in the meteorological registers of the Saugor Island observatory were more numerous than is desirable.

12. Judging from the observations submitted, the work done by the observers of the third-class observatories at Dinajpur, Balasore, Berhampore, Bhagalpur, Burdwan, Buxar, Comilla, Cuttack, Dehri, Faridpur, Krishnagar, Patna, Ranchi and Raniganj were generally satisfactory, while the observers at Barisal, Jalpaiguri, Malda, Rampur-Boalia and Rangpur, who are postal employees, have been careless in their work.

13. Accurate observations were received from the voluntary observatory at Cooch Behar.

14. The observations received from the fourth-class observatories have been generally satisfactory.

RAINFALL WORK AND INSPECTION OF RAIN-GAUGE STATIONS.

15. Owing to the partition of Bengal the rainfall work connected with the following districts was transferred to the new Province of Eastern Bengal and Assam with effect from 16th October 1905:—

Rajshahi.	Mymensingh.
Dinajpur.	Faridpur.
Jalpaiguri.	Backergunge.
Cooch Behar.	Hill Tippera.
Rangpur.	Tippera.
Bogra.	Noakhali.
Pabna.	Chittagong.
Dacca.	Chittagong Hill Tracts.
	Malda.

16. On the other hand, the rainfall work in connection with the district of Sambalpur and of the Uria Feudatory States was transferred to Bengal from that date, and the Native States of Jashpur and Sirguja were transferred from the Chota Nagpur Division to the Central Provinces. The Native State of Gangpur was also transferred from the Chota Nagpur Division to the Orissa Tributary Mahals.

17. The following stations were started during the year:—

Kalyanganj in Murshidabad district from July 1905.

Akbarpur in Shahabad district from July 1905.

Nilgiri, Athgarh and Karanjia in the Orissa Tributary Mahals—the first from August 1905, the second from November 1905 and the third from April 1905.

18. The number of rainfall stations as it stood on the 31st March 1906 in the newly-constituted Province of Bengal was 304. The following table gives the distribution of these 304 stations, the second and third columns showing the number of rain-gauges in each district and the number of rain-gauges inspected during the year:—

DISTRICT.	Number of rain-gauge stations.	Number of rain-gauge stations inspected.	DISTRICT.	Number of rain-gauge stations.	Number of rain-gauge stations inspected.
Burdwan	...	5	Darbhanga	...	8
Birbhum	...	6	Monghyr	...	10
Bankura	...	10	Bhagalpur	...	8
Midnapore	...	8	Purnea	...	7
Hooghly	...	3	Sonthal Parganas	...	20
Howrah	...	4	Sambalpur	...	3
24-Parganas	...	9	Uria Feudatory States	...	7
Nadia	...	5	Cuttack	...	8
Murshidabad	...	10	Balasore	...	9
Jessore	...	5	Puri	...	7
Khulna	...	12	Hazaribagh	...	8
Darjeeling	...	6	Ranchi	...	9
Patna	...	8	Palamau	...	16
Gaya	...	11	Manbhum	...	8
Shahabad	...	13	Singhbhum	...	12
Saran	...	10	Orissa Tributary Mahals	...	7
Champaran	...	8	Angul	...	5
Muzaffarpur	...	7	Tibet	...	1
		2			Nil

19. The following table shows the number of rain gauge stations in the districts transferred to the new Province of Eastern Bengal and Assam and the number of rain-gauges in those districts inspected during the period 1st April to 15th October 1905:—

DISTRICT.	Number of rain-gauge stations.	Number of rain-gauge stations inspected.	DISTRICT.	Number of rain-gauge stations.	Number of rain-gauge stations inspected.
Rajshahi	...	7	Faridpur	..	3
Dinajpur	...	13	Backergunge	...	7
Jalpaiguri	...	7	Hill Tippera	...	1
Cooch Behar	...	5	Tippera	...	8
Rangpur	...	9	Noakhali	...	7
Bogra	...	4	Chittagong	...	7
Pabna	...	2	Chittagong Hill Tracts	...	3
Dacca	...	5	Malda	...	6
Mymensingh	...	10	Nil		

20. Under the existing arrangement for supplying rain-gauges and measure-glasses to the rain-registering officers in Bengal from the Meteorological Office, Bengal, 27 measure-glasses, 13 rain-gauges and 6 glass bottles (for use with rain-gauge) were issued during the past year from the stock kept in this office.

21. *Departmental Reports.*—The report on the meteorology of Bengal for the monsoon season of 1905 was prepared and submitted to the Government of Bengal on the 19th January. The usual number of rainfall maps illustrating the distribution of rainfall over the Province, the district variation from the normal and the percentage variation from the normal for the monsoon period of 1905 were also prepared and submitted to Government with the monsoon summary.

22. The monthly rainfall table for Bengal and the meteorological table for Bengal and Assam with a summary of the chief features of the weather of the month were published in the *Calcutta Gazette* about the middle of every month.

23. The following annual rainfall tables were prepared and published in the *Calcutta Gazette*. They were for the period January to December:—

Table I—Showing the monthly and annual rainfall at 401 stations in Bengal for 1905 (including the stations of districts transferred to Eastern Bengal and Assam).

Table II—Showing the monthly and annual average rainfall at 318 rainfall stations in Bengal.

Table III—Comparison table of the rainfall of 1905 at 318 rainfall stations in Bengal with averages of previous years.

Addenda to the rainfall table of the Province of Bengal for the year 1905.

24. Charts showing the distribution of actual rainfall, the variation from the normal and the percentage variation were prepared and submitted monthly to the Government of Bengal during the period May to October 1905, and copies were sent to the Sanitary Commissioner.

25. The Bay of Bengal and Bengal Daily Weather Report containing observations recorded at 83 stations was issued throughout the year.

26. During the past year, Port Blair was connected by wireless telegraphy with the mainland, with an intermediate station at Slipper Island, and the meteorological observations recorded at these two places were, by direction of the Meteorological Reporter to the Government of India and Director General of Indian Observatories, telegraphed to the Alipore Meteorological Office and were included in the weather report. The weather telegrams from Port Blair and Slipper Island are of great value in connection with the storm-warning work.

27. The supplementary weekly meteorological and rainfall table containing temperature and rainfall observations recorded at 19 stations was issued on every Wednesday throughout the year.

28. The daily flag-signal message to Saugor Island and Elephant Point (Rangoon) and the daily weather telegram to the following officers were continued throughout the year:—

Port Officer, Akyab.

Ditto, Moulmein.

Ditto, Rangoon.

Ditto, Gopalpur.

Ditto, Negapatam.

Ditto, Coconada.

Secretary, Port Commissioners, Rangoon.

Deputy Port Conservator, Madras.

Port Officer, Cuddalore.

Port Conservator, Porto Novo.

29. The daily weather telegram was sent to the Port Officer, Chittagong from 16th May to 16th November (inclusive). The telegram was also sent to the Port Conservator, Calingapatam, regularly on Fridays, Saturdays and Sundays.

30. Warnings of expected storms and heavy rainfall were sent to—

The Secretary to the Government of Bengal, Irrigation Department.

The Collector of Cuttack.

The Superintending Engineer, Orissa Circle.

Ditto ditto, South-Western Circle.

The Executive Engineer, Cossye Division.

Ditto ditto, Balasore do.

The Sub-Engineer, Dehri Workshops subdivision.

The Proof Officer, Balasore.

The Superintendent of Telegraphs, Bengal Division.

Ditto ditto, Madras do.

Ditto ditto, East Coast do.

Ditto ditto, Madras Office.

The Chief Engineer for Irrigation, Madras.

The Assistant Superintendent of Telegraphs, Madras subdivision, Madras.

The Traffic Superintendent, East Coast Railway.

The Engineer-in-Chief, ditto.

31. Information of the occurrence of rainfall above one inch at Dalton-ganj was sent to the Sub-Engineer, Dehri Workshops.

32. There was no addition or alteration in the Code of Storm Signals.

33. The dates of the principal storms and barometric depressions occurring during the past year are given in the following table:—

Table giving a brief statement of the storms which affected the Bay of Bengal coasts during the year 1905-1906.

Number of storm.	Period of depression or storm.	Character of storm.	Coast affected.
1	16th to 18th April ...	Weather was disturbed in the extreme south-west of the Bay on the 16th April, and a depression apparently formed in Ceylon. The disturbance passed westward on the 18th when weather became more settled.	Coromandel Coast.
2	19th to 22nd May ...	Weather had become unsettled in the Andaman sea on the 19th, and a cyclonic storm had formed somewhat to the north-east of Port Blair on the 20th. It crossed the Burma coast slightly to the east of Diamond Island on the evening of that date, and moving in a northerly direction passed out into the Bay of Bengal early on the 21st. It moved parallel to the Arakan coast during the next 24 hours, and finally striking the land near Akyab on the morning of the 22nd broke up in Upper Burma.	Burma and Arakan coasts.
3	29th to 30th June ...	Weather was suspicious in the north-west angle of the Bay on the 29th, and a storm rapidly formed at the head of the Bay on the 30th, which crossed the coast between False Point and Balasore the same afternoon.	Orissa coast.
4	19th July ...	A depression formed over the Gangetic delta on the morning of the 19th and rapidly moved into west Orissa, having crossed the coast to the north of False Point the same night.	Ditto.
5	23rd to 28th July ...	Weather was unsettled over the north of the Bay on the 23rd, and a depression formed in that region on the 24th. It moved slowly northwards and developed into a cyclonic storm with its centre about 50 miles west of Chittagong on the 27th. It then passed inland, and was in the neighbourhood of Sirajganj on the morning of the 28th.	Bengal coast.
6	6th to 8th September	A depression formed off the South Orissa coast on the 6th. It developed into a cyclonic storm of moderate intensity on the 7th and crossed the coast near False Point on the 8th.	Orissa coast.
7	20th to 24th September	A depression was shown forming in the centre of the Bay on the 20th. It slowly developed during the next three days, moving in a north westerly direction. It then developed with remarkable rapidity and moved in a westerly direction, crossing the coast north of Vizagapatam on the morning of the 24th.	Circars coast.
8	21st to 24th October ...	A shallow depression lay over the north of Bay on the 17th. It developed into a cyclonic storm on the 22nd, and its centre was about 80 miles east-south-east of Saugor Island at 8 A.M. on the 26th. The storm crossed the coast north of Chittagong at 2 A.M. on the 26th.	Bengal coast.
9	8th to 9th December...	Weather was suspicious in the centre of the Bay on the 6th. The disturbance developed into a cyclonic storm on the 8th, and moving northwards struck the Arakan coast on the 9th.	Arakan coast.

34. The thanks of the Department are due to the tea- and indigo-planters, to the missionaries at Pedong, and to the Chinese Commissioner of Customs at Yatung (in Tibet) who have kindly continued to send rainfall returns during the past year, and to the Surveyor-General, Ceylon, for sending meteorological observations taken at Colombo and Trincomallee for the Daily Weather Report.

35. The thanks of the Department are also due to the Telegraph Department for the cordial help they have always given in the matter of the rapid transmission of the weather telegrams and for the readiness with which they

have co-operated with the Meteorological Department in various other matters.

36. *Office Establishment.*—I was not in charge of the combined offices during the year under report, but have reason to believe that the staff worked during that period to the satisfaction of my predecessors.

METEOROLOGICAL OFFICE, }
BENGAL,
The 16th May 1906.

C. W. PEAKE,
Meteorological Reporter to the Govt. of Bengal.

WEATHER AND CROP REPORT.

For the week ending the 2nd July 1906.

No.	Name of district.	Rainfall at Sadar station.	Price of common rice, in seers, per rupee.		Character of the weather and state and prospects of the crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
1	BURDWAN ...	Inches. 5.07	9	9	Rainfall general. Weeding of jute and paddy going on. Ploughing continues. Rain badly wanted in Katwa subdivision. Fodder and water sufficient.
2	BIRBHUM ...	1.19	9½	9½	Rainfall general. Weather seasonable. Sowing of paddy commenced. No cattle-disease. Fodder and water sufficient.
3	BANKURA ...	1.81	11	11	Weather seasonable. Ploughing continues. More rain wanted. Sugarcane doing well. No cattle-disease. Fodder and water sufficient.
4	MIDNAPORE ...	6.32	9½	9½	Rainfall general. Weather seasonable. Tobacco outputs—Sadar 90, Contai 50 per cent. Fodder and water sufficient.
5	HOOGHLY ...	2.22	8½	7½	Rainfall general. Weather seasonable. Lands being prepared for <i>aman</i> . Weeding of <i>aus</i> , jute, and sugarcane going on. No cattle-disease. Fodder and water sufficient.
6	HOWRAH ...	2.49	8	8	Weather cool and moist. Frequent showers throughout the week. Ploughing of lands for paddy going on everywhere; the recent rains having greatly facilitated this. Jute and sugarcane look healthy and promising. Transplantation of paddy not yet begun. Water and fodder sufficient. No cattle-disease. Prospects favourable.
7	24-PARGANAS	2.89	8	8	Rainfall general. Weather seasonable. Weeding of jute and <i>aus</i> finished in Baraset and continues in other places. Lands are being prepared for the <i>aman</i> crops. Transplantation of <i>aman</i> paddy in low lands has commenced. Standing crops promising. Prospects fair. Damages have been done to jute by <i>Dackra</i> and to <i>aus</i> by <i>Sanki</i> insects in Basirhat. Condition of cattle good. Supply of fodder and water sufficient.
8	NADIA ...	2.92	9	9	Rainfall general. Weather seasonable. District Board road-work opened in affected parts of Gangani thana on account of high prices of food-grain reported from Meherpur subdivision, specially in Gangani. Sowing of <i>bhadoi</i> paddy is over. Weeding of <i>bhadoi</i> paddy and ploughing for <i>aman</i> paddy going on. Prospect of crops favourable. Fodder and water sufficient. No cattle-disease.
9	MURSHIDABAD	1.37	9½	9½	Rainfall general. Weather seasonable. Standing crops are promising. Prospect of sugarcane good. Jute fair. No cattle-disease. Fodder and water sufficient.
10	JESSORE ...	1.87	8	8	Rainfall general. Weather seasonable. <i>Aus</i> , <i>aman</i> , and jute 90 per cent. sown. Prospects good. Fodder and water sufficient. No cattle-disease. High prices continue.

No.	Name of district.	Rainfall at Sadar station.	Price of common rice, in seers, per rupee.		Character of the weather and state and prospects of the crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
11	KHULNA ...	1.01	8* 9†	7½ to 8* 9†	Rainfall general. Weather seasonable. Sowing of winter rice (broadcast) is 100 per cent. at Sadar and 50 per cent. at Bagerhat. No cattle-disease. Fodder and water sufficient.
12	PATNA ...	4.50	11½	11½	Rainfall general. Weather hot. There has been good rainfall during the week throughout the district. Sowing of paddy and <i>bhaodi</i> crops in rapid progress. Sugarcane doing well. A flight of locusts was seen at Barh on the 27th June, but no damage was done to crops. No cattle-disease. Fodder and water for cattle sufficient.
13	GAYA ...	8.70	10¾	11	Rainfall general. Weather sultry with heavy rain at intervals. Sowing of <i>marua</i> and <i>makai</i> going on. Sugarcane doing well. No cattle-disease. Flight of locusts passed through portion of west of the district on 26th and through Sadar station on 29th. Fodder and water for cattle sufficient. Prices slightly risen.
14	SHAHABAD ...	2.91	11½	11	Rainfall general. Sugarcane doing well. Sowing of paddy and <i>bhadoi</i> crops has commenced. No cattle-disease. Fodder and water sufficient.
15	SARAN ...	5.05	10	9¾	Rainfall general. Weather seasonable. Sowing of <i>bhadoi</i> crops going on. Recent rain has done much good to the standing crops. More rain wanted for paddy seedlings. Transplantation of paddy not yet started. No cattle-disease. Fodder and water sufficient.
16	CHAMPARAN ...	10.84	10¼	10¼	Sufficient rain all over. Weather hot and cloudy. Agricultural operations in full swing. Paddy and <i>bhadoi</i> being sown. Indian corn germinating well. Fodder and water sufficient. No cattle-disease. Prices almost stationary.
17	MUZAFFARPUR	5.42	9	9	Rainfall general. Prospects of crops good. paddy and <i>Bhadoi</i> crops being sown. Fodder and water sufficient. No cattle-disease.
18	DARBHANGA ...	2.90	9¾	10½	Weather cloudy. Fall general and greatly beneficial. 75 per cent. of normal area of <i>makai</i> sown. <i>Marua</i> and paddy seedlings coming up. Flight of locusts passed through the Sadar subdivision, but lasted only an hour and did not do much damage.
19	MONGHYR ...	1.23	9⅓	9⅓	Rainfall general. Weather cloudy and rainy. Sowings of paddy and <i>bhadoi</i> crops going on. More rain wanted. No cattle-disease. Fodder and water sufficient.
20	BHAGALPUR ...	2.69	10½	10½	Rainfall general. Weather generally cloudy or rainy. Prospects improved by the rain. Indian corn, paddy, and sugarcane much benefited by it. Fodder and water sufficient everywhere. Cattle-disease reported from one village in Sadar thana. Prices stationary.

SUPPLEMENT TO THE CALCUTTA GAZETTE, JULY 4, 1906.

999

No.	Name of dist. & tct.	Rainfall at Sadar station.	Price of common rice, in seers, per rupee.		Character of the weather and state and prospects of the crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
21	PURNEA ...	1.52	8	8	Rainfall general. Weather cloudy with occasional rain. Prospects good. Transplanting of <i>aghani</i> paddy and weeding of jute and <i>bhadoi</i> paddy continue. Weeding of jute and <i>bhadoi</i> is being delayed in Araria subdivision on account of heavy rain. Fodder and water sufficient. No cattle-disease.
22	DARJEELING ...	10.36	6 $\frac{1}{4}$	6 $\frac{1}{2}$	Weather seasonable. Hills—Maize, potato, and <i>bhadoi dhan</i> in fair state. <i>Marua</i> and winter rice being transplanted. Terai—Ploughing for winter rice going on. Jute, <i>bhadoi dhan</i> , and sugarcane thriving.
23	SONTHAL PAR-GANAS.	4.44	9	9	Rainfall sufficient. Weather seasonable. <i>Dhan</i> seedlings, maize, and sugarcane doing well. Extent of sowing of maize 75 per cent. Condition of cattle good. Fodder and water sufficient.
24	CUTTACK ...	1.11	10 $\frac{1}{2}$	11 $\frac{1}{8}$	Rainfall general. Cotton being plucked. <i>Biali</i> , <i>manua</i> , <i>saradh</i> , <i>arhar</i> , sugarcane and jute growing. No cattle-disease. Fodder and water sufficient.
25	BALASORE ...	1.87	11	11	Weather cloudy. Sowing and puddling of <i>saradh</i> and weeding of <i>ashu</i> paddy continue. Sugarcane and jute thriving. Vegetables doing well. No cattle-disease. Fodder and water sufficient.
26	ANGUL ...	1.55	10 $\frac{1}{2}$	10 $\frac{1}{2}$	Weather cloudy. Sowing of paddy and miscellaneous <i>bhadoi</i> crops in progress.
27	PURI ...	0.31	10 $\frac{1}{2}$	10 $\frac{1}{2}$	Weather seasonable and cloudy. <i>Dalua</i> being harvested; outturn expected at 75 per cent. Sugarcane growing. <i>Saradh</i> being sown. Miscellaneous crops are growing well. Condition of cattle good. Fodder and water sufficient.
28	SAMBALPUR ...	4.43	12 $\frac{3}{4}$	12 $\frac{3}{4}$	Weather rainy. Sowing of <i>batari</i> paddy is still in progress. Sowing of cotton, maize, and <i>bhadoi til</i> commenced. The germination of paddy is good. Sugarcane is in good condition. Cattle-disease is prevalent in both the tahsils.
29	HAZARIBAGH	2.85	10 $\frac{1}{2}$	10 $\frac{3}{4}$	Rainfall general. Weather cloudy. Prospects of standing crops good. Sowing of <i>bhadoi</i> crops continues. Fodder and water sufficient. Cattle-disease reported from two thanas.
30	RANCHI ...	5.12	11	11	Weather cloudy. Ploughing and sowing vigorously going on. Standing crops doing well. Cattle-disease reported from three thanas. Fodder and water sufficient.
31	PALAMAU ...	4.04	11	10 $\frac{1}{16}$	Weather cloudy. Sufficient rain almost everywhere. <i>Bhadoi</i> cultivation commenced. Sugarcane thriving. A few cases of cattle-disease reported. Fodder and water now sufficient.

SUPPLEMENT TO THE CALCUTTA GAZETTE, JULY 4, 1906.

No.	Name of district.	Rainfall at Sadar station.	Price of common rice, in seers, per rupee.		Character of the weather and state and prospects of the crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
32	MANBHUM ...	2.19 ⁶	11	11	Weather seasonable. Prospect of crops good. Locusts appeared at Gobindpur and did some damage to paddy seedlings at Rajganj. Fodder and water sufficient. Cattle-disease not reported.
33	SINGHEDHUM ...	1.66	11	11	Sowing of paddy in progress. Fodder and water sufficient.

GENERAL SUMMARY.—There was fairly general rain all over the Province, the fall being heavy in the Patna Division and also in Darjeeling and Midnapore, but generally light in the rest of the Province. More rain is, however, needed for transplantation of winter rice, which has just commenced in places. Jute and sugarcane are doing well. Some damage to jute and *aus* paddy by insect-pests is reported from the 24-Parganas. District Board works have been opened in Nadia to see if labour would be attractive. Appearance of locusts is reported from Patna, Gaya, Darbhanga and Manbhum. Cattle-disease is reported from five districts. Fodder and water sufficient. The price of common rice has risen in four and fallen in six districts, but continues high in most districts.

D. N. MOOKERJEE,

for Director of Agriculture, Bengal.

DEPT. OF AGRICULTURE, BENGAL,

The 3rd July 1906.

IRRIGATION DEPARTMENT, BENGAL.

IRRIGATION OPERATIONS FOR THE OFFICIAL YEAR 1906-07.

Area leased for irrigation up to end of May 1906.

SUPPLEMENT TO THE CALCUTTA GAZETTE, JULY 4, 1906.

1001

CIRCLE.	District.	Canal.	DETAILS OF AREAS LEASED.												RAINFALL, 1906-07.	RAINFALL, 1905-06.	REMARKS.							
			SEASON LEASES.						GRAND TOTAL.															
Long-term leases.			Short-term leases.			Rabi.			Kharfi.			Mugarcane.			Hot-weather.			Up to end of month.						
Acres.			Acres.			Acres.			Acres.			Acres.			Inches.			Inches.						
ORISSA	Orissa	Telindia System	1,342	292	...	52	25	49,421	1,407	...	49	3	1,459	50,880	2.93	4.38	5.98	Average rainfall of Kusai, Balia and Jagatsingpur.						
		Kendrapara	do.	...	...	1,935	361	168	...	73,544	558	...	558	74,102	1.91	3.38	5.83	Average rainfall of Kendrapara, Marsaghat, Nurtang and Ichhapur.				
		High Level, Range I	...	...	...	608	...	19	...	28,307	...	18	...	18	23,225	2.87	5.04	5.79	Average rainfall of Cuttack and Jajpur.		
		Ditto, Range II	...	...	...	738	...	...	...	5,770	...	...	...	5,770	1.42	1.42	4.83	Average rainfall of Jajpur and Akhoyapada.		
		Jajpur Canal	...	...	...	700	...	...	...	26	14,993	...	34	13	47	16,040	2.28	5.43	6.19	Jajpur.
		Dudhia Canal	728	116	20	...	208	35,362	183	1	493	38,685	2.53	4.61	6.67	Akhoyapada.			
		High Level, Range III	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Total Orissa Canals	...	...	...	...	...	...	...	263	259	205,197	(a) 1,965	...	235	306	2,506	207,703	...	...		
		Total of the corresponding period of last year.	...	...	...	...	...	...	...	176,877	...	...	192	404	596	177,473	...	...	...		
		Midnapore	1,411	98	...	...	...	...	...	...	...	...	...	...	...	48,912	3.92	3.98	5.11	7.78
SOUTH-WESTERN	Midnapore	Panchura	...	...	...	522	6	...	...	48,912	...	...	...	...	...	4,298	1.13	1.03	4.74	8.40
		Tidal Reaches, Ranges I and II	...	...	...	...	...	...	...	4,298	...	...	...	...	...	134	4.06	4.06	6.73	10.92
		Total Midnapore Canal	...	...	...	...	...	...	...	63,344	...	...	...	...	...	53,344	...	...	...	...
		Total of the corresponding period of last year.	...	...	...	...	...	...	...	60,775	(a) 10,917	...	...	...	...	10,917	71,692	...	...	...	
		Eden Canal	1,000	25	...	...	...	...	...	...	...	...	...	...	...	...	...	14,230	5.67	5.67
		Total Eden Canal	...	...	...	...	...	...	...	...	...	...	...	...	...	...	16,290	...	...	...	
		Total of the corresponding period of last year.	...	...	...	...	...	...	...	22,550	...	4	...	...	4	22,654	...	...	...	...
		Burdwan and Hooghly	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

(a) Provisional lease.

CIRCLE.	District.	Canal.	DETAILS OF AREAS LEASED.												RAINFALL, 1905-06.		RAINFALL, 1906-07.		REMARKS.						
			SEASON LEASES.						Grand total.						Up to end of month.		Up to end of month.		Up to end of month.		Up to end of month.				
Four-term leases.			Kharif.			Bambi.			Surareene.			Hot-weather.			Grand total.			During month.			During month.				
			C. ft.	C. ft.	C. ft.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.		
SONE	Shahjad	Western Main	...	...	...	364	18,593	...	...	...	...	504	19,087	...	...	...	...	...	...	...	...	...	...	...
		Bunzar	...	...	...	531	6,095	4,537	85,829	...	...	517	5,157	91,016	...	0.03	0.22	0.72	...	...	...	...	...	...
SONE	Arrah	Eastern Main	...	...	...	119	11,954	132,870	...	...	...	13,813	13,813	146,683	...	0.28	0.28	1.14	1.61	...	...	...	...	...	...
		Patna	353	9,864	3,070	3,054	36	3,080	3,080	75,358	...	0.74	0.74	0.65	0.89
SONE	Patna and Gaya	Total Sone Canals	96	96	96	4,185	4,586	69,598	...	...	...	5759	5759	35,969	335,244	...	...	...	...	...	...	...	...	...	...
		Total of the corresponding period of last year.	...	...	...	20,684	21,747	303,975	...	...	...	25,299	25,299	21,678	306,011	...	...	...	...	...	...	...	...	...	...
CHAMPAJAN	Tehr	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Total Tehr Canal	174	15	10	107	...	...	...	...	...	...	...	...	...	98	98	98	98	1.01	1.01	3.64	4.56	...	...
CHAMPAJAN	Dhaka	Total of the corresponding period of last year.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Dhaka Canal	300	13	5	78	213	213	213	213	1.15	1.15	0.00	0.00	...
GANDAK	Saran	Total of corresponding period of last year.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Saran	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL			...	...	...	21,163	29,010	584,806	1,985	...	...	235	25,586	28,586	612,822	...	...	...	...	...	...	...	...	...
GRAND TOTAL OF THE CORRESPONDING PERIOD OF LAST YEAR.			...	...	...	...	...	...	604,595	10,917	4	192	22,693	33,195	637,790	...	...	...	...	...	...	...	...	...

Canals closed.

CALCUTTA,
The 2nd July 1906.

H. H. STEVENS,
Under-Secretary to the Govt. of Bengal.

GOVERNMENT OF BENGAL, IRRIGATION DEPARTMENT.

Approximate Return of Traffic on the Circular and Eastern Canals for the week ending Saturday, the 30th June 1906, as compared with the corresponding week of the previous year.

NATURE OF CARGO.	WEEK ENDING SATURDAY, THE 30TH JUNE 1906.				WEEK ENDING SATURDAY, THE 1ST JULY 1905.			
	Number of boats.	Weight of cargo.	Tollage.	Number of boats.	Weight of cargo.	Tollage.		
Rice and paddy	...	169	Mds.	Rs.	218	Mds.	Rs.	
Jute	...	18	50,515	431	4	41,261	643	
Firewood	...	27	2,675*	56	44	1,650†	19	
Other articles	...	671	17,610	264	500	50,275	750	
			1,92,067	2,206		1,46,914	1,731	
Total	...	885	2,62,867	2,957	766	2,40,100	3,143	

* Weight by canal measurement, 3,437½ maunds.
 † Ditto ditto, 1,575 $\frac{1}{2}$

BENGAL AND NORTH-WESTERN RAILWAY.

Statement of goods traffic for the month of March 1906, compared with the corresponding period in 1905.

DESCRIPTION OF GOODS.	1905.		1906.		Increase.		Decrease.		Explanation of fluctuations by the Traffic Manager.
	Tons.	Rs.	Tons.	Rs.	Tons.	Rs.	Tons.	Rs.	
XIX.—Oilseeds—									
1. Castor	119	301	273	1,022	154	721	.....	.....
2. Earthnuts	7	25	23	460	16	435	.....	.....
3. Linseed	891	3,073	539	2,269	.....	.....	352	804	
4. Poppy	22	130	33	184	11	54	.....	.....
5. Rape and mustard	6,522	35,302	11,711	64,658	5,189	20,356	.....	.....
6. Til or jinjili	17	64	57	221	40	157	.....	.....
7. Others	390	1,549	261	1,725	.....	176	59	.....	Demand and good crop.
XX.—Opium	570	7,331	1,024	15,435	454	8,104	.....	.....
XXI.—Paper and Pasteboard	256	916	331	655	75	.....	.....	231	
XXII.—Provisions—									
1. Dried fruits and nuts	104	1,096	164	2,123	60	1,027	.....	.....
2. Ghee	388	3,696	574	6,204	186	2,598	.....	.....
3. Others	3,104	8,992	1,226	4,858	.....	.....	1,878	4,134	
XXIII.—Railway Plant and Rolling Stock carried for the Public and Foreign Railways—									
1. Locomotive engines and tenders and parts thereof.	.....	.....	.....	.....	.....	.....	.....	.....
2. Carriages and trucks and parts thereof.	.....	.....	104	103	104	103	.....	.....
3. Materials—									
(a) Steel rails and fish-plates.	.....	.....	.....	.....	.....	.....	.....	.....
(b) Sleepers and keys of steel and cast-iron.	.....	.....	.....	.....	.....	.....	.....	.....
(e) Others	.....	.....	22	76	22	76	.....	.....
XXIV.—Salt	7,026	27,854	11,137	45,792	4,111	17,938	.....	.....
XXV.—Saltpetre and other saline substances—									
1. Saltpetre	1,136	4,191	1,415	5,552	279	1,361	.....	.....
2. Other saline substances	696	2,705	655	2,638	.....	41	.....	167	
XXVI.—Silk—									
1. Raw—									
(a) Foreign	.....	.....	.....	.....	.....	.....	.....	.....
(b) Indian	1	8	.....	.....	.....	.....	1	18	
2. Piece-goods—									
(a) Foreign	.....	.....	.....	.....	.....	.....	.....	.....
(b) Indian	.....	.....	.....	.....	.....	.....	.....	.....
XXVII.—Spices—									
1. Betelnuts	372	2,680	313	2,572	.....	59	108		
2. Cardamoms	7	111	8	113	1	2	.....	.....
3. Chillies	1,715	10,547	1,097	6,923	.....	618	3,624		
4. Ginger	278	2,802	219	1,929	.....	59	873		
5. Pepper	66	635	84	968	18	333	.....	.....
6. Others	208	1,541	138	1,716	.....	175	24	.....
XXVIII.—Stone and Lime	1,979	4,736	4,540	8,523	2,561	3,787	.....	.....
XXIX.—Sugar—									
1. Refined or crystallised, including sugarcandy.	483	2,843	879	6,629	391	3,786	.....	.....
2. Unrefined—									
(a) Sugar	3,941	30,578	6,580	43,778	2,630	13,200	.....	.....
(b) Gur, rab, jaggery, molasses and other saccharine produce.	10,131	45,160	23,307	1,21,767	13,176	76,607	.....	.....
XXX.—Tea—									
1. Foreign	.....	.....	.....	.....	.....	.....	.....	.....
2. Indian	3	48	4	38	1	.....	.....	10	
XXXI.—Tobacco—									
1. Unmanufactured	1,354	10,958	1,668	14,829	314	3,871	.....	.....
2. Manufactured—									
(a) Cigars	2	45	1	26	.....	.....	1	19	
(b) Other sorts	16	127	28	262	12	135	.....	.....
XXXII.—Wood—									
1. Timber, unwrought	2,341	7,514	2,002	6,041	.....	339	1,473		
2. Logs	1,154	3,164	2,241	7,480	1,087	4,316	.....	.....
3. Poles	182	933	20	9	.....	.....	102	924	
4. Manufactures	331	8,246	615	4,737	284	1,491	.....	.....
XXXIII.—Wool—									
1. Raw	5	88	23	74	18	.....	.....	14	
2. Manufactured—									
(a) Carpets and rugs	6	84	2	37	.....	.....	4	47	
(b) Piece-goods { European	4	44	.....	.....	.....	.....	4	44	
(c) { Indian	108	359	7	51	.....	.....	101	508	
(d) Other sorts of manufactures.	3	12	.....	.....	.....	.....	3	12	
XXXIV.—All other articles of merchandise—									
1. Indigo-seed	392	3,711	316	2,339	.....	76	1,372		
2. Firewood	3,080	5,335	5,839	12,201	2,759	6,866	.....	.....
3. Others not specified above.	5,332	11,210	8,571	35,178	3,239	23,968	.....	.....
Total	1,34,777	6,07,798	1,88,472	8,53,166	59,132	2,87,808	5,437	42,440	

Increase due to one week traffic more in this month than in the corresponding period.

T. SIDAL,
for Chief Auditor.

GORAKHPUR, the 22nd June 1906.

Weekly Return of Traffic Receipts on Indian Railways.

ASSAM-BENGAL RAILWAY.

Approximate Return of traffic for the week ended 16th June 1906 on 772 miles open for all descriptions of traffic and an additional 3 miles for goods traffic only.

	COACHING TRAFFIC.		MERCHANTISE AND MINERAL TRAFFIC.		Other earnings (estimated), including steam-boat.	Total earnings.	TRAFFIC TRAIN-MILES RUN.		
	No. of passengers.	Coaching receipts.	Weight carried.	Receipts.			Coaching.	Merchandise.	Total.
Total traffic for the week ...	40,860	Rs. 20,292 0 0	Mds. 2,70,568 0	Rs. 40,001 0 0	Rs. 10,654 0 0	Rs. 79,947 0 0	10,793	16,987	27,780
Or per mile of railway ...	64.60	37.94	349.12	51.61	13.75	103.30	13.98	21.92	32.96
For previous 23 weeks of half-year ...	1,277,189	7,78,047 0 0	54,89,878 0	7,13,522 0 0	1,01,955 0 0	16,03,524 0 0	261,209	401,200	662,409
Total for 24 weeks* ...	1,327,058	8,07,339 0 0	57,60,446 0	7,63,523 0 0	1,12,600 0 0	16,83,471 0 0	272,002	418,187	690,189
COMPARISON.									
Total for corresponding week of previous year ...	42,244	Rs. 26,241 0 0	Mds. 1,52,053 0	Rs. 27,791 0 0	Rs. 2,113 0 0	Rs. 56,145 0 0	10,104	15,268	25,373
Per mile of railway corresponding week of previous year ...	57.32	35.61	205.48	37.56	2.86	76.03	13.71	20.63	34.34
Total to corresponding date of previous year ...	1,127,193	7,43,706 0 0	40,45,988 0	5,92,158 0 0	64,250 0 0	14,00,123 0 0	2,55,894	361,753	614,647

* Includes Noakhali Railway earnings Rs. 34,448 and train-mileage 21,743.

FINANCIAL YEAR.

Approximate Statement of Gross Receipts of the Assam-Bengal Railway.

RECEIPTS FOR WEEK ENDING 16TH JUNE 1906.			RECEIPTS FOR WEEK ENDING 17TH JUNE 1905.			TOTAL RECEIPTS FROM 1ST APRIL, 1906 TO 16TH JUNE 1906.			TOTAL RECEIPTS FROM 1ST APRIL 1905 TO 17TH JUNE 1905.			Total increase in 1906.	Total decrease in 1906.
Mean-mileage worked.	Receipts.	Per mile worked.	Mean-mileage worked.	Receipts.	Per mile worked.	Total receipts.	Per mile worked per week.	Mean-mileage worked.	Total receipts.	Per mile worked per week.			
775	Rs. 79,947	Rs. 103.30	740	Rs. 56,145	Rs. 76.03	775	Rs. 7,59,689	... 740	Rs. 5,83,183	... 1,76,586	... 1,76,586	... 1,76,586	

BENGAL AND NORTH-WESTERN RAILWAY.

Approximate Return of Traffic for the week ending 16th June 1906 on 1,551 miles open.

	COACHING TRAFFIC.		MERCHANTISE AND MINERAL TRAFFIC.		Other earnings (estimated), including steam-boat.	Total earnings.	TRAFFIC TRAIN-MILES RUN.		
	No. of passengers.	Receipts.	Weight carried.	Receipts.			Coaching.	Merchandise.	Total.
Total traffic for the week on 1,551 miles open ...	268,880	Rs. (a) 1,22,920	Mds. 10,54,740	Rs. (b) 1,24,420	Rs. (c) 20,700	Rs. 2,68,040	47,598	(d) 40,575	86,173
Or per mile of railway ...	173.36	79.25	680.04	80.22	13.35	172.82	....	....	....
For previous 23 weeks of half-year (e) ...	6,512,511	28,04,263	2,71,43,607	33,53,543	5,87,981	67,45,787	1,055,066	1,020,870	2,075,936
Total for 23 weeks ...	6,781,391	29,27,183	2,81,98,947	34,77,963	6,08,681	70,13,827	1,102,664	1,061,445	2,164,109
COMPARISON.									
Total for corresponding week of previous year on 1,467 miles open ...	370,579	1,39,537	9,13,399	1,00,639	19,257	2,59,433	43,209	(f) 37,392	80,631
Per mile of corresponding week of previous year ...	252.61	95.12	622.63	68.60	13.12	176.84	....	....	....
Total to corresponding date of previous year ...	6,350,778	25,73,135	2,53,03,365	31,03,846	5,10,802	61,92,783	1,021,045	1,030,391	2,051,438
Earnings per Coaching, Goods and Total train miles respectively during the week ...	....	2.58	....	3.07	2.23	3.04	....	....	....
Ditto for corresponding week of previous year	....	3.23	....	2.69	2.24	3.22	....	....	....

(a) Decrease chiefly under local and foreign outward due to heavy bookings on account of marriage parties last year.
 (b) Increase mainly under foreign outward due to increased exports.
 (c) Increase principally under steam-boats.
 (d) Includes 6,038 miles of ballast trains.
 (e) Includes audited figures up to week ending 5th May 1906.
 (f) Includes 6,430 miles of ballast trains.

EASTERN BENGAL STATE RAILWAY SYSTEM.

(INCLUDING DACCA SECTION.)

Approximate Return of Traffic and Mileage for the week ended 16th June 1906 on 1,271 miles open.

	COACHING TRAFFIC.		MERCHANTISE AND MINERAL TRAFFIC.		Other earnings (including steam-boat).	Total earnings.	TRAFFIC TRAIN-MILES RUN.				
	No. of passengers.	Coaching receipts.	Weight carried.	Receipts.			Coaching.		Total.		
							Rs. A. P.	Rs. A. P.			
Total traffic for the week ...	349,300	1,53,200 0 0	10,37,150 0	1,31,430 0 0	13,550 0 0	2,97,180 0 0	57,161	45,406	102,624		
Or per mile of railway ...	275	120 0 0	816 0	103 0 0	.....	224 0 0	.....	.....	.....
For previous 23 weeks of half-year ...	8,652,678	38,73,278 0 0	3,87,18,714 0	45,35,753 0 0	5,33,013 0 0	89,42,044 0 0	1,338,582	1,051,275	2,386,857		
Total for 24 weeks ...	9,001,978	40,25,478 0 0	3,97,55,864 0	46,67,183 0 0	5,46,563 0 0	92,39,224 0 0	1,395,743	1,096,738	2,402,481		
COMPARISON.											
Total for corresponding week of previous year ...	307,258	1,37,987 0 0	7,12,427 0	87,831 0 0	11,108 0 0	2,36,926 0 0	46,758	28,855	76,618		
Per mile of railway corresponding week of previous year (1,061 miles) ...	290	130 0 0	671 0	83 0 0	1 0 0	214 0 0	.....	.....	.....
Total to corresponding date of previous year ...	6,936,593	32,56,014 0 0	2,93,50,662 0	32,61,404 0 0	5,38,564 0 0	70,55,982 0 0	1,113,054	791,531	1,904,585		

* Excluding ferry earnings, Rs. 12,200.

† Audited up to week ending 28th April 1906.

N.B.—The increase is chiefly in food-grains traffic and owing to the amalgamation with the Bengal Central Railway and opening of the Ranaghat-Murshidabad Branch and Kaunia-Bonarpur Extension.

DACCA STATE RAILWAY.

Approximate Return of Traffic and Mileage for the week ended 16th June 1906 on 86 miles open.

	COACHING TRAFFIC.		MERCHANTISE AND MINERAL TRAFFIC.		Other earnings (including ferry).	Total earnings.	TRAFFIC TRAIN-MILES RUN.				
	No. of passengers.	Coaching receipts.	Weight carried.	Receipts.			Coaching.		Total.		
							Rs. A. P.	Rs. A. P.			
Total traffic for the week ...	42,710	9,480 0 0	18,240 0	1,700 0 0	710 0 0	11,890 0 0	4,188	952	5,148		
Or per mile of railway ...	407	110 0 0	212 0	20 0 0	8 0 0	138 0 0	.....	.....	.....
For previous 23 weeks of half-year ...	805,405	2,28,244 0 0	9,87,831 0	82,663 0 0	5,909 0 0	3,16,816 0 0	77,151	37,014	114,165		
Total for 24 weeks ...	848,115	12,37,724 0 0	10,06,871 0	81,363 0 0	6,619 0 0	3,28,706 0 0	81,339	37,966	119,305		
COMPARISON.											
Total for corresponding week of previous year ...	27,710	7,771 0 0	20,068 0	1,731 0 0	105 0 0	9,697 0 0	3,562	810	4,372		
Per mile of railway corresponding week of previous year ...	322	91 0 0	233 0	20 0 0	2 0 0	113 0 0	.....	.....	.....
Total to corresponding date of previous year ...	701,320	2,85,791 0 0	9,73,548 0	63,260 0 0	5,507 0 0	2,74,048 0 0	76,304	27,590	102,994		

* Audited up to week ending 28th April 1906.

COOCH BEHAR RAILWAY—NATIVE SECTION.

Approximate Return of Traffic and Mileage for the week ended 16th June 1906 on 33.6 miles open.

	COACHING TRAFFIC.		MERCHANTISE AND MINERAL TRAFFIC.		Other earnings (including ferry).	Total earnings.	TRAFFIC TRAIN-MILES RUN.				
	No. of passengers.	Coaching receipts.	Weight carried.	Receipts.			Coaching.		Total.		
							Rs. A. P.	Rs. A. P.			
Total traffic for the week ...	3,430	1,230 0 0	5,060 0	930 0 0	10 0 0	2,170 0 0	538	(a) 982	1,520		
Or per mile of railway ...	102	37 0 0	240 0	28 0 0	.....	65 0 0	.....	.....	.....
For previous 23 weeks of half-year ...	79,439	33,522 0 0	5,36,545 0	34,535 0 0	330 0 0	68,396 0 0	10,597	22,070	32,676		
Total for 24 weeks ...	82,869	34,752 0 0	5,44,605 0	35,465 0 0	349 0 0	70,568 0 0	11,135	23,061	34,196		
COMPARISON.											
Total for corresponding week of previous year ...	3,388	1,143 0 0	5,493 0	1,037 0 0	10 0 0	2,190 0 0	539	601	1,140		
Per mile of railway corresponding week of previous year ...	101	34 0 0	253 0	31 0 0	.....	65 0 0	.....	.....	.....
Total to corresponding date of previous year ...	79,263	32,123 0 0	17,02,475 0	47,539 0 0	278 0 0	70,940 0 0	10,726	27,195	47,921		

(a) Ballast train-miles 600.

* Audited up to week ended 28th April 1906.

MYMENSINGH-JAGANNATHGANJ RAILWAY.

Approximate Return of Traffic and Mileage for the week ended 16th June 1906 on 50.69 miles open.

	COACHING TRAFFIC.		MERCHANTISE AND MINERAL TRAFFIC.		Other earnings (including ferry).	Total earnings.	TRAFFIC TRAIN-MILES RUN.		
	No. of passengers.	Coaching receipts.	Weight carried.	Receipts.			Coaching.	Merchandise.	Total.
Total traffic for the week ...	8,540	Rs. A. P. 2,650 0 0	Mds. S. 5,600 0	Rs. A. P. 370 0 0	Rs. A. P. 10 0 0	Rs. A. P. 3,030 0 0	1,190	238	1,428
Or per mile of railway ...	168	53 0 0	110 0	7 0 0	.....	60 0 0	.....	.....	.....
For previous 23 weeks of half-year* ...	256,729	73,589 0 0	5,76,478 0	32,073 0 0	364 0 0	1,06,026 0 0	25,545	7,985	33,530
Total for 24 weeks ...	265,269	76,239 0 0	5,82,078 0	32,443 0 0	374 0 0	1,09,056 0 0	26,735	8,223	34,958
COMPARISON.									
Total for corresponding week of previous year ...	7,975	2,307 0 0	5,517 0	372 0 0	4 0 0	2,683 0 0	1,198	230	1,428
Per mile of railway corresponding week of previous year ...	155	45 0 0	107 0	7 0 0	.....	52 0 0	.....	.....	.....
Total to corresponding date of previous year ...	205,729	61,123 0 0	3,36,136 0	16,721 0 0	325 0 0	78,169 0 0	27,108	7,662	34,770

* Audited up to week ending 28th April 1906.

DARJEELING-HIMALAYAN RAILWAY COMPANY, LIMITED.

		Rs. A. P.	Rs. A. P.
Approximate earnings for the week ending 16th June 1906	... { Coaching ... 7,724 0 0 Goods ... 13,235 0 0 Other earnings ... 104 0 0 } ... { Coaching ... 10,506 0 0 Goods ... 9,228 0 0 Other earnings ... 117 0 0 }	21,063 0 0	19,851 0 0
Audited earnings for the corresponding period of 1905	... { Increase ... 1,212 0 0		
Receipts per mile for the week ending 16th June 1906	... ... ... ... 413 0 0		
Ditto for the corresponding period of 1905	... ... ... ... 389 3 9		
	... { Increase ... 28 12 3		
Receipts from 1st January to 16th June 1906	... ... ... ... 4,49,639 0 0		
Ditto for the corresponding period of 1905	... ... ... ... 4,42,957 0 0		
	... { Increase ... 6,682 0 0		

DARJEELING-HIMALAYAN RAILWAY COMPANY, LIMITED.

		Rs. A. P.	Rs. A. P.
Approximate earnings for the week ending 23rd June 1906	... { Coaching ... 6,449 0 0 Goods ... 11,867 0 0 Other earnings ... 107 0 0 } ... { Coaching ... 8,275 0 0 Goods ... 10,300 0 0 Other earnings ... 177 0 0 }	18,423 0 0	18,752 0 0
Audited earnings for the corresponding period of 1905	... { Decrease ... 329 0 0		
Receipts per mile for the week ending 23rd June 1906	... ... ... ... 361 3 9		
Ditto for the corresponding period of 1905	... ... ... ... 367 11 0		
	... { Decrease ... 6 7 3		
Receipts from 1st January to 23rd June 1906	... ... ... ... 4,68,062 0 0		
Ditto for the corresponding period of 1905	... ... ... ... 4,61,709 0 0		
	... { Increase ... 6,353 0 0		



SUPPLEMENT TO
The Calcutta Gazette.

WEDNESDAY, JULY 11, 1906.

OFFICIAL PAPERS.

[Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on payment of five rupees per annum if delivered in Calcutta, or seven rupees and eight annas if sent by post.]

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LIBERALITY OF BABU KOYLASH CHANDRA ROY MOHASOY OF BALASORE.

No. 1696L.S.-G., dated Calcutta, the 6th July 1906.

From—H. J. McINTOSH, Esq., Offg. Secretary to the Government of Bengal, Municipal Department,
 To—The Commissioner of the Orissa Division.

I AM directed to refer to the correspondence ending with your memorandum No. 202 ^{P.T.} _{L.F.}, dated the 26th May 1906, on the subject of the creation by Babu Koylash Chandra Roy Mohasoy of Balasore of an endowment of Rs. 3,100, to be called "Babu Sristidhar Roy Mohasoy's Water-supply Fund."

2. I am to request that you will be so good as to convey to the donor an expression of the Lieutenant-Governor's appreciation of his liberality and public spirit.

RESOLUTION ON THE ANNUAL REPORT OF THE PORT OFFICER,
CALCUTTA, FOR THE YEAR 1905-1906.

No. 980Marine.

Government of Bengal.

MARINE DEPARTMENT.

Dated Calcutta, the 26th June 1906.

RESOLUTION.

READ—

Letter No. 2017, dated the 21st May 1906, from the Port Officer, Calcutta, submitting the Annual Report of his Department for the year 1905-1906.

At the close of the year there were 49 qualified Pilots on the strength, being the same number as in the previous year. Two casualties occurred during the year, and were met by the appointment as Mate Pilots of two qualified leadsmen. Three leadsmen apprentices were appointed during the year.

The sanctioned strength of the Service is 58. This can only be worked up to as the leadsmen qualify. At the close of the year there were 18 leadsmen in training as against 17 in the previous year.

2. The following revised scale of tonnage for the different grades of Pilots having been found to work satisfactorily was sanctioned as a permanent arrangement :—

Branch Pilots	...	... Above 3,400 tons.
Senior Master Pilots	...	... From above 1,800 tons to 3,400 tons.
Junior " "	...	... 1,800 tons to 2,800 tons.
Mate Pilots	...	... Up to 1,800 tons.

3. One thousand five hundred and fifty-three vessels arrived at the port during the year, and the number of vessels that sailed from it was 1,569. The total number of arrivals and departures was thus 3,132, or 105 more than that of the previous year. These figures represent a gross tonnage of 5,818,673 inwards and 5,838,994 outwards. Of the total number of vessels visiting the port, only 17 were sailing ships. The average tonnage of steam and sailing vessels inwards and outwards was 3,722, against 3,734 in the previous year.

4. The pilotage receipts during the year amounted to Rs. 13,62,785, against Rs. 13,54,160 of the previous year.

5. There has been an increase in the number of vessels drawing over 21 feet, which were piloted outwards, but a slight decrease in the number of inward steamers as compared with those of the preceding year. Altogether 19 vessels, 9 inward and 10 outward, were neared for want of sufficient depth of water over the bars, against 15 vessels during the previous year. The number of vessels detained at the Sandheads for want of Pilots was six, as compared with 13 in the year 1904-05. The shortest detention was 14 hours 45 minutes, and the longest 27 hours 50 minutes, the average detention being 20 hours 7 minutes.

6. There were 7 collisions and 22 groundings, against 5 collisions and 23 groundings in the previous year. In two cases of collision the Pilots concerned were held to blame for error of judgment. With regard to the groundings, the Pilots were in fault in three instances.

7. Forty-one preliminary enquiries into shipping casualties were held by the Port Officer, of which four were referred to Departmental Courts of Enquiry and eight to Special Courts of Enquiry. In five cases the Pilots were held to blame, and they were suitably dealt with by this Government. No Marine Court under Act XII of 1859 was held during the year.

8. One hundred and eight candidates appeared at the examination for Colonial and Home Trade certificates of competency, of whom 65 passed; 390 candidates also appeared at the different examinations for certificates of competency as Masters, Serangs, Engineers, and Engine-drivers under Act VI of 1884, but only 132 were successful.

9. Mr. G. Robertson was on leave up to 31st October 1905. During this period Mr. F. Olford, R.I.M., acted as First Engineer and Shipwright Surveyor, and Mr. C. F. Laslett, R.I.M., as Second Engineer and Shipwright Surveyor. On the return of Mr. Robertson from leave, Mr. Olford reverted to his substantive appointment as Second Engineer and Shipwright Surveyor and Mr. Laslett to the Royal Indian Marine.

10. Commander E. J. Beaumont, R.I.M., presided over the Department up to 6th July 1905, when he proceeded on leave, and did not resume charge of the Port and Shipping Offices until the 19th October 1905. During his absence Commander J. H. D. St. John, R.I.M., officiated as Port Officer and Shipping Master, but he reverted to the Royal Indian Marine after making over charge of the office to Lieutenant C. B. Henley, R.I.M., on the 4th October 1905, P.M.

Lieutenant Henley continued as Assistant Port Officer and Deputy Shipping Master until the tenure of his appointment expired on the 16th January 1906, A.M., when he was relieved by Lieutenant A. S. Balfour, R.I.M.

By order of the Lieutenant-Governor of Bengal,

W. A. INGLIS,

Secretary.

RESOLUTION ON THE REPORT OF THE SANITARY COMMISSIONER, BENGAL, FOR THE YEAR 1905.

MUNICIPAL DEPARTMENT—SANITATION.

Calcutta, the 7th July 1906.

RESOLUTION—No. 17108.

READ—

The Report of the Sanitary Commissioner, Bengal, for the year 1905.

Read also—

The Annual Statistical Returns and Short Notes on Vaccination in Bengal for the year 1905-1906.

Major Clarkson, I.M.S., was in charge of the Department up to the 15th March 1905, when he was succeeded by Captain W. W. Clemesha, I.M.S., by whom the present Report is submitted. The Report does not deal with the districts which were transferred to the newly created Province of Eastern Bengal and Assam.

Climatic Conditions.—Mention is made in the Report of the peculiar weather conditions of the year, namely very low temperature and excessive rainfall during the pre-monsoon period, abnormal heat in June, and the early cessation of the monsoon. These conditions were very favourable for the development of plague and malaria during the earlier months of the year, and rendered the last quarter most unhealthy.

Births.—These conditions were reflected in the vital statistics. Excluding the district of Angul, to which the system of registration of births and deaths has not yet been extended, and the district of Sambalpur, the statistics of which are not yet available, the number of births registered in the Province was 1,973,301, or 39.55 per mille of population. In 1904, the birth-rate was 42.39 per mille. The value of vital statistics however depends upon the accuracy with which they are collected. These are verified by the Inspecting Staff of the Vaccination Department, and the result of their inquiries showed that '87 and '72 per cent. respectively of the births and deaths which they checked had not been registered at all. Since the close of the year the Sanitary Commissioner with the Government of India has made a number of suggestions for testing the accuracy of vital statistics. These proposals have been approved by the Lieutenant-Governor, and the Sanitary Commissioner, Bengal, has been asked to submit a definite scheme for giving effect to them.

Deaths.—Turning to the death-rate it is found that a considerable rise in the general mortality is reported, the number of deaths registered being 1,922,369, or 38.53 per mille, which was the highest rate recorded during the last twenty years. This increase is ascribed by the Sanitary Commissioner and the reporting officers to the greater unhealthiness of the year. The districts of Gaya, Patna, Shahabad, and Saran were the worst sufferers, with death-rates of over 50 per mille; while the healthiest districts were Singhbhum (22.05), Ranchi (25.50), and Manbhum (26.23). Chota Nagpur was, as usual, the healthiest Division, with a death-rate of only 27.72; while the highest mortality occurred in the Patna Division, where a death-rate of 45.86 per mille was recorded.

Infant Mortality.—The Lieutenant-Governor regrets to observe that the mortality among infants rose from 183.4 per mille of births in 1904 to 208.6 in 1905. The causes of this great loss of infant life were discussed in the Resolution recorded by Government on the Sanitary Report for 1904, and there is little new to add to the subject. Leaflets in the vernacular were prepared by the Sanitary Commissioner containing simple instructions for the rearing and care

of infants and also prescribing the diet of Indian mothers after childbirth, and were distributed broadcast through the province. These may in time do good by helping to remove old prejudices and by bringing to the homes of the mass of the people the light of modern ideas. The highest infantile mortality (310 per mille) was, as usual, recorded in Calcutta.

Cholera.—The mortality from cholera was the highest recorded since 1901. The deaths from this disease numbered 146,339, giving a ratio of 2.93 per mille against 1.63 in 1904, and 2.77 the quinquennial average. With the exception of the Chota Nagpur Division, which recorded a death-rate from this cause of only .35 per mille, the whole Province suffered severely, the ravages of the disease being worst in the districts of Gaya (6.63 per mile), Purnea (5.17), Patna (5.00), Shahabad (4.94), Howrah (4.78) and Bhagalpur (4.74). In Puri the cholera mortality rose from .99 in 1904 to 3.97 in 1905.

Plague.—The mortality from plague was the highest on record since it first broke out in 1898, the total number of deaths being 126,084 against 75,433 in the previous year and 58,225, the average of the last quinquennium. The period of greatest prevalence was as usual January to April, but the climax was reached in the month of March, in which month alone 40,090 deaths from plague were returned. Twenty-seven districts were more or less affected by the disease, the districts that suffered most being Saran, Patna, Gaya, Shahabad, Monghyr, and Calcutta. The most conspicuous change in the opinion of experts in India regarding plague is the greatly increased importance now ascribed to the part played by rats in spreading and keeping alive the disease. In fact almost all the evidence regarding the causation of the disease is now regarded as pointing to the rat as the chief agent in its diffusion. During the year under review rat extermination was carried on in many parts of the Province, but notably in the Giridih coal-fields and in Bihar. As an example of the efficacy of rat extermination, the Sanitary Commissioner cites the instance of Jagadispur in the Shahabad district. The operations were carried on there very thoroughly, and though there was a good deal of the disease in Shahabad, Jagadispur itself enjoyed complete immunity despite the fact that a very large number of people from other badly infected localities came to reside there. Captain Clemesha, however, thinks it premature to conclude that because there has been little or no plague in places where rat extermination has been carried out, this happy result is due to the removal of the influence of rats. The arrangements to keep up the campaign for at least another 12 months are complete, and if, as is not impossible, a virulent and widespread epidemic occurs next winter, the places where rat extermination has been carried on will have an opportunity of demonstrating conclusively the usefulness or otherwise of this method of protecting the people. Altogether 1,544 plague inoculations were performed during the year.

Fever.—Altogether 1,214,487 deaths were reported from fever, the death-rate from this cause representing a ratio of 24.34 against 20.49 per mille in the preceding year, and accounting for 63.17 per cent. of the total deaths registered from different causes during 1905. The worst affected districts were Shahabad with 37.76 deaths per mille, Nadia 37.30, Gaya 36.28, Purnea 34.67, and Jessore 33.02. In Calcutta the death-rate from fever was only 5.13 per thousand.

A useful note was drawn up by the Sanitary Commissioner explaining the steps to be taken in municipalities for the prevention of malaria, and was widely circulated. Anti-malarial measures, which aimed at the destruction of mosquitoes, were tried at Berhampore and Balasore, and though it cannot be claimed that they have as yet yielded great results, they have at least demonstrated that a considerable reduction in the number of mosquitoes can be effected at a comparatively small cost and they have paved the way for more complete operations which will now be carried out at Berhampore, Ranaghat (in Nadia), Jagadispur (in Shahabad), and Mohespur (in Jessore). In order to increase the facilities for the distribution of quinine through the agency of village schoolmasters, orders have been issued since the close of the year to open additional distributing centres at village schools so that no area may be more than 5 miles from a dispensary or a post office or a school where the drug is distributed.

The prevalence of malaria in Bengal has for many years engaged the attention of Government, and in March 1905 prominent attention was drawn to it by a member of the Legislative Council who asked for the appointment of a Commission or Committee of Enquiry to investigate the causes of death from malaria in Bengal and the remedies to be applied. It is believed that, particularly in the Presidency Division, the main cause of malaria is the obstruction of drainage caused by the gradual rise of the delta, and two important drainage projects have already been determined on in this Division, namely, the Magra Hât scheme in the 24-Parganas and the Bhairab Valley scheme in Jessore. The Lieutenant-Governor has now decided that the whole of the Presidency Division should be examined, and that a list should be prepared of all practicable drainage schemes, so that a definite programme of action may be drawn up. With this object a small Committee has been appointed, whose duty it will be to ascertain in what areas in the Presidency Division malaria is prevalent, and if the cause of the disease is held to be obstructed drainage, to decide whether a drainage scheme is practicable and to prepare a list of such schemes arranged in order of urgency. The Report of the Committee is to be submitted to Government before the end of March 1907.

On the other hand, in order to ascertain to what extent drainage works produce a beneficial effect in lessening the ravages of malaria, instructions have recently been issued to the Sanitary Commissioner to make special investigations in those areas which have been influenced by such projects. The malaria index will be worked out in the tract both before and after the completion of the drainage works; the death-rate from fever will be carefully recorded in each area for five years before and five years after the completion of the schemes; and at all hospitals and dispensaries in the tracts affected the attendance of patients suffering from malaria will be ascertained for the quinquennial periods both before and after the completion of the works.

Dysentery and Diarrhoea.—The mortality from dysentery and diarrhoea was also heavier in the year under review than in 1904, the total number of deaths returned as due to this cause being 45,260, or a ratio of '90 against '82 per mille in 1904. Orissa suffered most and lost 2.93 per thousand of its population from this cause. These diseases have been made the subject of a special enquiry by the Sanitary Department, and the Sanitary Commissioner's report embodying the results of his enquiries is now under the consideration of Government.

Sanitary Improvements.—Compared with 1903-1904 there was an increase in the expenditure incurred by municipal bodies under the heads "Conservancy" and "Drainage," but a falling off under "water-supply. Considerable activity was displayed by many municipalities in the administration of the various branches of Sanitation. Drainage schemes were under various stages of preparation, and in some cases preliminary survey was being or about to be made; and steps were taken by many towns to improve their water-supply. The Lieutenant-Governor has read with pleasure the list of sanitary works carried out in different parts of the Province by municipalities and other bodies.

As stated in paragraph 14 of the Resolution recorded on the last Sanitary Report, enquiries were made during the year under review to ascertain whether filtration through sand and the application of sulphate of copper rendered the effluent from septic tank installations bacteriologically pure. The net result of the experiments was to show that these methods, either separately or in combination, were capable of purifying the effluent, but that in practice they were likely to prove difficult and expensive in proportion to the amount of impurity in the material to be treated; and it was considered doubtful whether they would be practicable in the case of effluents of a high degree of impurity except as adjuncts to other methods of treatment. Sterilization of the effluent was then attempted by means of chlorinated lime. The experiment proved successful, and it was found that an addition of this material equivalent to five grains for each gallon of effluent rendered the fluid virtually sterile.

The cost of the process is also exceedingly low. At the request of this Government, Dr. Gilbert Fowler, a specialist in the biological disposal

of sewage, was sent out from England to enquire into the septic tank installations in Bengal. He conducted his enquiries during the period from January to April 1906, and his report is awaited by Government. The Sanitary Commissioner reports that septic tank latrines are an entire success when used for communities such as mills, large schools, railway workshops, and the like, and he is now considering whether they cannot be adapted to municipal towns. He will be asked to submit a report embodying the results of his experiments. The Sanitary Commissioner has also made a number of suggestions for the adoption in municipalities of the septic tank method as a substitute for trenching grounds. Mention should be made in the next Sanitary Report as to what extent Municipal Commissioners have been able to adopt his proposals.

The Sanitary Board.—During the year 1905 the Sanitary Board considered the preliminary estimate of cost of a water-works project for the town of Monghyr and the detailed estimates for the Khulna water-supply scheme. Plans and estimates of drainage schemes in twelve municipalities and of water-supply schemes in two municipalities were also considered. Considerable activity was displayed by several municipalities in the preparation of detailed schemes for surface drainage.

Vaccination.—The vaccination returns for the year are confined to the districts now within the reconstituted Province of Bengal. The death-rate from small-pox for the whole Province in 1905-1906 (·22 per mille) was slightly higher than that for the previous year (·17 per mille), but compares favourably with the average death-rate for the past 10 years which was ·37. Perhaps the most noticeable feature of the returns is the large increase in the death-rate in Calcutta from ·14 per mille in 1904-1905 to ·34 in 1905-1906 as a result of a severe outbreak of small-pox during the cold weather. The death-rate in Puri was also high, that being the only district in the Province where the protection afforded to infants is below 200 per mille. In Cuttack there has been a steady decrease in the annual death-rate from 3·65 in 1900-1901 to ·04 in the year under review, the number of successful vaccinations having increased nearly 100 per cent. during these years. The Lieutenant-Governor sees no reason to doubt that similar results could be obtained in the neighbouring district of Puri, and he trusts that the Sanitary Commissioner will devote special attention to this district during the coming season. The returns generally show a satisfactory increase in the outturn of work, the total number of operations recorded being 2,041,230 as against 1,818,231 in the previous year; and there is also a large increase in the cases of revaccination, which is mainly due to the special efforts made by the Corporation of Calcutta to combat the recent severe outbreak of small-pox. In the districts the best returns were received from Saran, Midnapore, Jessore, Shahabad, and Nadia, and the Lieutenant-Governor notices with satisfaction that the Tributary States of Orissa also returned a large increase—12,142. The substitution of vaccination from prepared lymph for arm-to-arm vaccination has recently been sanctioned by Government, and will be introduced at once in the districts of the Burdwan, Presidency, and Orissa Divisions and in the rest of the Province gradually. The Lieutenant-Governor is pleased to notice the good work done by the Department during the year, and hopes that still further improvement will result from the measures which have lately been taken to improve the status and efficiency of the vaccinating staff.

The Lieutenant-Governor's thanks are due to Captain Clemesha for his interesting report, and for the zeal and energy with which he has administered the departments under his charge. The attention of Commissioners, District Officers and all Local Bodies is especially drawn to those paragraphs of the Report which deal with the questions of rat extermination and septic tank installations.

By order of the Lieutenant-Governor of Bengal,

H. J. McINTOSH,
Off. Secy. to the Govt. of Bengal.

REPORT UNDER SECTION 41 OF BENGAL ACT I OF 1893 ON
THE WAREHOUSES IN HOWRAH FOR THE YEAR ENDING
31st MARCH 1906.

No. 1694 M.—The 4th July 1906.—The following report is published for general information.

H. J. McINTOSH,
Offg. Secy. to the Govt. of Bengal.

No. 417, dated Howrah, the 4th June 1906.

From—The Chairman of the Howrah Municipality,
To—The Magistrate of Howrah.

I HAVE the honour to report that 308 warehouses were licensed in 1905-06, out of 331 registered during that year, against 270 out of 300 registered in 1904-05, the details being as follows:—

Years.	Jute.	Cotton.	Straw.	Wood.	Hay.	Waste paper.	Resin.	Total.
Registered { 1904-05 1905-06	...	40	39	37	183	1	...	300
	...	40	39	39	209	1	2	331
Licensed { 1904-05 1905-06	...	31	32	35	171	1	...	270
	...	34	34	35	201	1	2	308

2. The income from license-fees during the year under report amounted to Rs. 9,564, of which Rs. 142 were arrears for 1904-05, against Rs. 8,920 for 1904-05, of which Rs. 219 were arrears for 1903-04, a considerable improvement over the preceding year.

3. The demand, collection, remission and balance for 1905-06 are shewn in Appendix A. The details of jute and cotton warehouses registered and of licenses granted during the year are entered in Appendix B. Owing to the comparative unimportance of the 240 licenses granted for the storage of straw, wood, hay, waste paper and resin in 1905-06 against 207 in the previous year, they have not been entered in Appendix B, and it may be noted that such license-fees have only been levied under the Fire-brigade Act since July 1893, prior to which they were levied under section 261 of the Bengal Municipal Act.

4. There were 55 prosecutions in the year under review, which realized in fines Rs. 145-8 as against 32 in the previous year when Rs. 180-8 was realized.

5. The expenditure incurred in assessing and collecting license-fees amounted to Rs. 959 as detailed below:—

		Rs.
Salary of General Supervisor and Assessor	...	600
Ditto Inspector, including commission	...	249
Ditto clerk ...	...	60
Ditto peon ...	...	48
Contingencies ...	...	2
		—
Total	...	959
		—

6. The Fire-brigade establishment continued under the control of the Commissioner of Police, Calcutta. The Fire-brigade station in Howrah stands in a very central position north of the Municipal market, and from a wooden stage raised above it the whole town is overlooked. There were 14 fires during the year, against 10 in the previous year, the details of which are given in Appendix C. There were also 11 other petty fires, against 4 in the previous year, at all of which the Fire-brigade attended, while they were extinguished by residents of the localities.

7. The Commissioner of Police demanded Rs. 8,617 for the maintenance of the Fire brigade in 1905-06, and this amount was remitted to him during the year.

APPENDIX A.

Statement shewing the demand, remission and balance in Howrah on account of contributions for the Fire-brigade during the official year 1905-06.

DESCRIPTION.	DEMAND.			COLLECTION.			REMISSION.			BALANCE.		
	Arrear.	Current.	Total.	Arrear.	Current.	Total.	Arrear.	Current.	Total.	Arrear.	Current.	Total.
(a) Rate on warehouses under sections 10 and 24	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
(b) Rate on other godowns under section 25 [1]	142 1 9	10,011 7 6	10,153 9 3	142 1 9	9,421 12 9	9,563 14 6	Nil	551 9 6	551 9 6	Nil	38 1 3	38 1 3
(a)*	...	...	...	...	...	...	...	...	...	...	...	...
(c) Rate on <i>bastis</i> under section 25 [1] (b)*	...	...	...	...	...	...	...	...	...	...	...	...
(d) General rate under section 25 [1] (c)*	...	...	...	...	...	...	...	...	...	...	...	...
Total	142 1 9	10,011 7 6	10,153 9 3	142 1 9	9,421 12 9	9,563 14 6	Nil	551 9 6	551 9 6	Nil	38 1 3	38 1 3

* No assessment was made under these sections.

APPENDIX B.

List of Jute and Cotton Warehouses licensed during the official year 1905-06.

Serial No.	Name of owner or occupier or both.	Locality.	Number of Warehouses.	Annual valuation.	Amount of fees realized during the year 1905-06.	Arrear amount of fees realized for the year 1905-06.	Total amount of fees.	Date of payment.	REMARKS.
JUTE.									
1	Shama Charan Coondu	14-1, Babudanga Lane	1 Warehouse	Rs. 144	7 3 8	.....	.....	19th September 1905.	
2	Bira) Mohini Dasi	5, Boe's Bagan Lane.	1 Ditto	144	7 3 3	.....	.....	1st July 1905.	
3	The Central Jute Mills Co., Ltd.	38, Joya Bibi's Lane	2 Warehouses	3,000	150 0 0	.....	.....	10th August 1905.	
4	P. E. Gazder & Co.	36, Ditto	11 Ditto	10,365	518 4 0	.....	.....	1st May 1905.	
5	W. H. Harton & Co.	123, Old Ghusury Road.	1 Warehouse	600	30 0 0	.....	.....	.....
5A	Ditto	123, Ditto	1 Ditto	600	30 0 0	.....	.....	.....
5B	Ditto	123, Ditto	Portion of Warehouse.	45	22 8 0	.....	.....	.....
5C	Ditto	123, Ditto	1 Puca godown	1,200	60 0 0	.....	.....	7th September 1905.	
6	Nasmith's Patent Press Co., Ltd.	95, Ditto	15 Warehouses	11,980	553 0 0	.....	.....	27th April 1905.	
7	Rai Mohan Lall Bahadur, Proprietor, Empress of India.	68, Ditto	12 Ditto	4,950	247 8 0	.....	.....	5th July 1905.	
8	Jagannath & Co., Proprietors, Imperial Press.	71, Ditto	4 Ditto	11,395	569 12 0	.....	.....	12th " "	
9	Lansdale, Clark & Co.	71, Ditto	Open land	1,300	65 0 0	.....	.....	13th January 1905.	
9A	W. M. Briggs & Co.	71, Ditto	1 Warehouse	144	.....	.....	.....	14th November 1905.	Vacant.
10	Behari Lall Mullick	76-1, Babudanga Lane	3 Warehouses	800	40 0 0	.....	.....	.....	Do.
11	Sham Charan Coondu	185, Harroganj Road	1 Warehouse	180	.....	.....	.....	26th April 1905.	
12	Foolchand Serogi	13, Old Ghusury Road	1 Ditto	600	30 0 0	.....	.....	12th August 1905 ..	At 3 per cent in storing cotton in jute warehouse.
13	Gonesh Das Joyram	171, Ditto	1 Ditto	360	10 12 9	.....	.....	.....
14	Foolchand Serogi	17, (South-East).	1 Ditto	360	10 12 9	.....	.....	25th April 1905.	
15	Raja Sewbux Bogia	20, Old Ghusury Road	1 Ditto	380	18 0 0	.....	.....	.....	Vacant.
16	Ditto	21, Ditto	1 Ditto	144	.....	.....	.....	16th September 1905.	
17	Kirtibash Samonto (owner)	21, Shambhoo Halder's Lane.	1 Ditto	192	9 9 6	.....	.....	.....	Vacant & port not in existence.
17A	Nilmoni Hazra (occupier)	21, Shambhoo Halder's Lane.	3 Warehouses	3,200	.....	.....	.....	.....
18	Hurrodayal and Bissendoyal	25, Old Ghusury Road	1 Warehouse	800	24 0 0	.....	.....	21st June 1905	At 3 per cent in storing cotton in godown.
19	Hurby Mosmuth (owner)	35-1, Old Ghusury Road	4 Warehouses	10,230	511 8 0	.....	.....	24th August 1905 ..	Mutation Rs. 5.
19A	Hurmock Rai Amulock Chand (occupier)	67, Old Ghusury Road	12 Warehouses	8,250	412 8 0	.....	.....	6th May 1905.	
20	The Sulken Jute Pressing House	26, Ditto	1 Warehouse	180	9 0 0	.....	.....	25th April 1905.	
20A	M. M. Nahapet (occupier)	27, Howrah Road	12 Warehouses	1,200	60 0 0	.....	.....	19th May 1905.	
21	Surjmul Lohiakht	25, Howrah Ghât Road.	Portion of Warehouse.	1,650	.....	.....	.....	.....	Vacant.
22	Anderson, Wright & Co.	42, Howrah Road	1 Puca godown	373	.....	.....	.....	Do.	
23	The General Traffic Manager, East Indian Railway.	4, Khetter Mittra's Lane.	2 Warehouses	625	31 4 0	.....	.....	31st August 1905.	
24	Hurdut Rai Chamaria	4-1, Ditto	2 Ditto	575	28 12 0	.....	.....	.....	Do.
25	Burjorji Framji	4-3, Ditto	1 Warehouse	1,830	.....	.....	.....	.....	Do.
25A	Ditto	64, Howrah Road	1 Ditto	895	.....	.....	.....	25th April 1905.	
25B	Ditto	54 and 13, Rosemary Bastio's Lane.	7 Warehouses	7,680	384 0 0	.....	.....	25th April 1905.	
26	Hurdut Rai Chamaria	29, Dobson Road	Portion of Warehouse.	1,000	50 0 0	.....	.....	19th May 1905.	
26A	Ditto	1, Kuchil Sarkar's Lane.	1 Warehouse	300	15 0 0	.....	.....	30th June 1905.	
27	Howrah Jute Press Co., Ltd.	12-1, Belgachia Road	1 Ditto	86	4 4 9	.....	.....	12th December 1905.	
31	Nilmoni Mondal	88, Kantapukar Lane.	1 Ditto	50	2 8 0	.....	.....	15th July 1905.	
32	The Howrah Jute Mills Co., Ltd.	451, Grand Trunk Road.	1 Ditto	8,895	444 12 0	.....	.....	25th May 1905.	
33	The Ganges Manufacturing Co., Ltd.	449, Ditto	1 Ditto	8,895	444 12 0	.....	.....	26th " "	
34	The Shibpur Jute Manufacturing Co., Ltd.	396, Ditto	1 Ditto	9,362	118 1 6	.....	.....	29th " "	
35	The Ganges Manufacturing Co., Ltd.	449, Ditto	For drying jute on both sides of the Ganges Jute Mills.	2,400	120 0 0	120 0 0	.....	20th November 1905.	
36	Macneill & Co., Ltd., Ganges Rope Co., Ltd.	448, Ditto	Kope works	973	48 10 6	.....	.....	13th June 1905.	
37	Gopal Chunder Mullick	39, College Road	1 Warehouse	266	13 4 9	.....	.....	30th May 1905.	
38	Ahmuty & Co.	38, Shalimar Road	1 Ditto	1,000	50 0 0	.....	.....	29th " "	
				1,11,708	5,141 2 3	120 0 0	5,261 2 3		
COTTON.									
1	Takurdas Nanukram	1-1, Gosai Ghât Lane	4 Warehouses	600	18 0 0	.....	.....	4th May 1905.	
2	The Ramdoyal Cotton Mills	158, Naskerpara Lane	4 Ditto	2,280	68 6 6	.....	.....	20th April 1905.	
3	The Ghâsury Cotton Mills Co., Ltd.	97 Old Ghusury Road	1 Warehouse	2,000	60 0 0	.....	.....	1st August 1905.	
4	Kissen Lal Barman	8, Gurgola Ghât	1 Ditto	300	.....	.....	.....	.....
5	Shams Charan Coondu	10, do. Lane	3 Warehouses	300	9 0 0	.....	.....	14th November 1905.	
6	Bissendoyal Hurrodayal (owner)	172, Old Ghusury Road	1 Warehouse	900	27 0 0	.....	.....	1st June 1905.	
6A	Gonesh Das Ramgopal (occupier)	7, Gurgola Lane	1 Ditto	60	1 12 9	1 12 9	3 9 6	3rd May 1905.	
7	Buzring Lal and Monga Lal	176, Old Ghusury Road	2 Warehouses	96	2 14 0	.....	.....	4th " "	
8	Nanokram Baldwin Dase	7, Gurgola Lane	1 Warehouse	60	1 12 9	.....	.....	6th " "	
9	Behary Malwari	155, Old Ghusury Road	2 Warehouses	2,000	60 0 0	.....	.....	26th " "	
10	Tejpal Brahmadaitya	128, Ditto	1 Warehouse	12,000	36 0 0	.....	.....	26th " "	
11	Raja Sewbux Bogia	128, Ditto	3 Warehouses	4,148	124 7 0	.....	.....	25th April 1905.	
11A	Mollochute & Co. (occupier)	16-1, Ditto	1 Warehouse	1,500	.....	.....	.....	.....	Do.
12	Harnund Rai and Foolchand	16-1, Ditto	1 Warehouse	.....	.....	.....	.....	.....
13	Foolchand Padamraj Serogi	16-1, Ditto	1 Warehouse	.....	.....	.....	.....	.....

Serial No.	Name of Owner or Occupier or Both.	Locality.	Number of Warehouses.	Annual valuation.	Amount of fees realized during the year 1905-06.	Arrear amount of fees realized for the year 1905-06.	Total amount of fees.	Date of payment.	REMARKS.
	COTTON—concluded.			Rs.	Rs. A. F.	Rs. A. F.			
4A	Mohor Sing Chowdhry (owner) ... Hurnock Rai Amulock Chand (occupier).	31, Old Ghusury Road	1 Warehouse ...	420	.....	.....	.....	.....	Storage baled cotton.
5A	Siddeswar Chundra (owner) ... Nanekram Marwary (occupier) ...	169, Old Ghusury Road	3 Warehouses ...	1,080	32 6 6	.....	.....	14th June 1905.	
6	Gonesh Das Joyram ...	170, Ditto ...	1 Warehouse ...	600	18 0 0	.....	.....	26th April 1905.	
7	Foolchand Serogi ...	16, Ditto ...	Portion of Warehouse.	660	19 12 9	.....	.....	12th August 1905.	
8	Ditto ...	15, Old Ghusury Road (South-East).	1 Warehouse ...	360	10 12 9	.....	.....	Ditto.	
9	Anantoram Seragi ...	33, Ditto ...	1 Cotton Warehouse.	2,604	78 2 0	.....	.....	21st June 1905.	
10	Huimuk Rai Amulock Chand ...	33-1, Ditto ...	1 Warehouse ...	600	18 0 0	.....	.....	Ditto.	
11	Shama Charan Coondu ...	2, Ditto ...	1 Ditto ...	144	4 5 0	.....	.....	14th November 1905.	
12	Aunkooram Mavalidhar ...	Hurrogunge Road	1 Ditto ...	60	1 12 9	.....	.....	7th July 1905.	
13	Shama Ch. ran Coondu ...	3, Old Ghusury Road	3 Warehouses ...	480	14 6 6	.....	.....	14th November 1905.	
14	Sadhoram Footaram ...	182, Ditto ...	1 Warehouse ...	360	10 12 9	.....	.....	2nd May 1905.	
15	Durga Marwary ...	184, Ditto ...	1 Ditto ...	48	1 7 0	.....	.....	3rd August 1905.	
16	Provoodoyal ...	34, Hurrogunge Road	1 Ditto ...	125	3 12 0	.....	.....	21st March 1905.	
17	B-aunmon & Evitt & Co. ...	37, Durrantola Road	1 Ditto ...	790	23 11 3	.....	.....	4th August 1905.	
18	Bubo Chowdhry ...	175, G. T. Road	1 Ditto ...	190	3 0 0	.....	.....	17th June 1905.	
19	Hurnock Rai Foolchand ...	54, Howrah road ...	2 Warehouses ...	500	.....	.....	.....	.....	Vacant.
20A	Ramdas Sandkhan (Owner) ...	48, Ditto ...	3 Ditto ...	240	7 3 3	.....	.....	2nd December 1905	
21	Rai Mohan Lal Barnam (Occupier) ... Ram Chandra Goenka and others	44, Ditto ...	8 Ditto ...	3,170	95 1 6	.....	.....	26th April 1905.	
22A	Hurroodoyal Surekha (Owner) ...	49, Ditto ...	1 Warehouse ...	240	.....	.....	.....	.....	De.
23	Kissen Lall (Occupier) ...	51, Ditto ...	.....	360	10 12 9	.....	.....	19th December 1905.	
24A	Hurroodoyal Surekha (Owner) ...	27, Hurrogunge Road	1 Warehouse ...	600	18 0 0	.....	.....	14th July 1905.	
25	Durga Marwary Kissen Lal ...	164, Ditto ...	1 Ditto ...	240	7 3 3	.....	.....	20th December 1905.	
26A	Debendra Narain Shaw (Owner) ... Vooramul Shew Prosad (Occupier)	170, Ditto ...	1 Ditto ...	120	3 9 6	.....	.....	20th May 1905.	
27	Dhakal Dalal (Owner) ...	55, Howrah Road ...	1 Ditto ...	72	2 2 6	.....	.....	3rd August 1905.	
28	Gujarmul Marwary (Occupier-r) ...	177, Hurrogunge Road	1 Ditto ...	6 0	.....	.....	.....	17th July 1905.	
29	Provoodoyal and Bissendoyal (Owner) ...			30,077	795 7 9	1 12 9	797 4 6		

APPENDIX C.

Statement showing Fires which occurred in Howrah during the official year ending 31st March 1906.

No.	Date.	Locality.	Duration of fires.	Approximate value of property destroyed.	Remarks showing nature of damage.
	1905.				
1	4th April ...	Khooroot Road, "S" Section.	H. M.	Rs.	
2	13th , " ...	Golabari Road, "G" Section.	10 0	200	A stack of straw.
3	1st May ...	Bhoot Bagan, Goosery, "G" Section.	2 45	250	Three tiled huts.
4	30th , " ...	Goosery Cotton Mill, "G" Section.	2 15	1,000	Forty <i>golepatta</i> huts.
5	13th July ...	Khetter Mitter's Lane, Sulkea, "G" Section.	3 15	50,000	Cotton and machinery.
6	9th Dec. ...	Sulkea Jute Press, "G" Section.	6 0	60	Some cotton waste in a godown slightly damaged by fire and water.
7	15th , " ...	Ramkristopore, Ghat Road, "S" Section.	41 15	2,50,000	A large <i>pukka</i> godown containing jute, cotton, and machinery.
8	16th , " ...	Ramkristopore, "H" Section	7 20	265	Seven large <i>kutcha</i> and tiled huts.
9	23rd , " ...	Ganges Jute Mill, "S" Section.	10 0	20,000	Two large godowns containing rice, myrabolums and machinery.
	1906.				
10	14th Feb. ...	East Indian Railway Goods-shed, Government Railway Police.	2 15	200	Some loose jute which was being salvaged.
11	14th Feb. ...	No. 6 Goods-shed, East Indian Railway, Government Railway Police.	1 45	12,000	Some jute cotton, hemp and grain consignments on the ground floor of the East Indian Railway Goods-sheds.
12	15th , " ...	East Indian Railway Goods-shed, Government Railway Police.	5 25	2,000	Consignments of hemp, cotton and hide, partly destroyed by fire and water.
13	17th , " ...	East Indian Railway Goods-shed, Government Railway Police.	0 45	30,000	Consignments of jute, hemp, grain and saltpetre and a corrugated-iron shed destroyed.
14	20th , " ...	Sibpore Jute Mill, "S" Section.	0 35	600	Several spinning machines slightly damaged.
15	28th , " ...	East Indian Railway Goods-shed, Government Railway Police.	0 35	1,000	Consignments of jute and hemp damaged by fire and water.

In addition to the above fires, 11 other petty fires occurred. The Brigade turned out to all of these fires; but on arrival of the Brigade on the scene, the fires were already extinguished by the neighbours. The fourteen large fires above mentioned were all extinguished by the Fire Brigade.

CALCUTTA,
The 7th May 1906.

A. P. WADEY,
Offg. Superintendent, Fire Brigade.

WEATHER AND CROP REPORT.

For the week ending the 9th July 1906.

No.	Name of district.	Rainfall at Sadar station.	Price of common rice, in seers, per rupee.		Character of the weather and state and prospects of the crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
1	BURDWAN ...	Inches. 0.95	8½	9	Weather seasonable. More rain wanted. Ploughing and weeding of <i>aus</i> paddy continue. Sugarcane doing well. Fodder and water sufficient. Cattle-disease reported from Purbasthali and Manteshwar.
2	BIRBHUM ...	1.62	9½	9½	Weather seasonable. Sowing of paddy commenced. More rain wanted. No cattle-disease. Fodder and water sufficient.
3	BANKURA ...	1.56	10	11	Rainfall local. Weather cloudy. Ploughing continues. More rain wanted. Sugarcane doing well. No cattle-disease. Fodder and water sufficient.
4	MIDNAPORE ...	0.67	9½	9½	Fall general, but light. More rain needed. Weather overcast. Transplanting winter rice progressing slowly. Prospects fair. Fodder and water sufficient. Cattle-disease in thanas Binpur, Bhagwanpur and outpost Heria.
5	HOOGHLY ...	0.65	8½	8½	Rainfall general. Weather seasonable. More rain wanted in Arambagh. Prospect of sugarcane and jute fair. No cattle-disease. Fodder and water sufficient.
6	HOWRAH ...	2.06	8	8	Cloudy weather throughout the week with strong breeze. The weather is favourable for jute and sugarcane which are looking well. Ploughing going on vigorously, but more rain is required. Prospects fair. No cattle-disease. Water and fodder sufficient.
7	24-PARGANAS	1.56	8	8	Rainfall general. Weather seasonable. Rain insufficient in Basirhat and Diamond Harbour subdivisions. Weeding of jute nearly finished. Lands are being prepared for <i>aman</i> crops. Transplantation of <i>aman</i> has commenced in low lands. The state of standing crops promising. Prospect of jute and <i>aus</i> good. Damage continues to jute and <i>aus</i> by insect-pest in Basirhat. Damage to seedlings by insects is reported from Falta thana at Diamond Harbour. Condition of cattle good. Supply of fodder and water sufficient.
8	NADIA ...	0.88	9	9	Weather seasonable. Weeding of <i>bhadoi</i> paddy and ploughing for <i>aman</i> paddy going on. Transplantation of <i>aman</i> commenced. Prospects of <i>bhadoi</i> paddy and jute favourable. Fodder and water sufficient. No cattle-disease.
9	MURSHIDABAD	3.73	9½	9½	Rainfall general. Weather seasonable. The rain has done much good to the standing crops. More rain wanted. Prospects of sugarcane good; that of jute fair. Fodder and water sufficient.
10	JESSORE ...	0.81	8	8	Rainfall general. Weather seasonable. <i>Aus</i> , <i>aman</i> , and jute sown 95 per cent. Prospects good. Fodder and water sufficient. No cattle-disease except some cases of pox in Chauchra. High prices continue.

No.	Name of district.	Rainfall at Sadar station.	Price of common rice, in seers, per rupee.		Character of the weather and state and prospects of the crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
11	KHULNA ...	2.22	8* 9†	8* 9†	Rainfall general. Weather seasonable. Transplantation of winter rice not yet begun. Outturn of summer rice estimated 25 per cent. at Sadar and 50 per cent. at Bagerhat. Jute in maturity; its condition favourable. Cattle-disease reported from Khulna station. Fodder and water sufficient. Rainfall insufficient at Satkhira and rise in the price of common rice.
12	PATNA ...	0.74	11½	11½	Weather hot and rainy. Rainfall general throughout the district. Sowing of the <i>bhadoi</i> crops and paddy going on in full swing. Sugarcane doing well. No cattle-disease. Fodder and water for cattle sufficient.
13	GAYA ...	1.56	10½	10½	Rainfall general, heaviest in Aurangabad. Weather showery. Sugarcane promising well. <i>Bhadoi</i> til and <i>juar</i> sown about four annas and <i>marua</i> ten annas. No cattle-disease. Fodder and water for cattle sufficient. Prices slightly risen at Aurangabad and Jehanabad.
14	SHAHABAD ...	2.67	11	11½	Rainfall general. Sowing of <i>bhadoi</i> crops and paddy going on. No cattle-disease. Fodder and water sufficient.
15	SARAN ...	1.25	10	10	Weather seasonable. <i>Bhadoi</i> sowings estimated at 75 per cent. Weeding of <i>marua</i> and <i>maize</i> going on. Transplantation of paddy commenced, but retarded for want of rain. No cattle-disease. Fodder and water sufficient.
16	CHAMPARAN ...	2.54	10	10½	Rainfall general and sufficient. Indian-corn and <i>bhadoi</i> paddy being weeded. Transplantation of <i>aman</i> paddy going on. Prospects favourable. A flight of locusts passed through the district, but did little damage. No cattle-disease. Fodder and water sufficient.
17	MUZAFFARPUR	2.86	9	9	Rainfall general. Weather seasonable. Prospects of crops good. Paddy and <i>bhadoi</i> crops being sown. Fodder and water sufficient. No cattle-disease.
18	DARBHANGA ...	2.88	9½	9½	Rainfall general. Sowing of <i>makai</i> finished; area sown normal. Transplantation of <i>marua</i> and <i>aghani</i> commenced in right earnest. Prospects of crops good.
19	MONGUJR ...	0.89	9½	9½	Weather seasonable. Rainfall scanty. Sowing of <i>bhadoi</i> crops and transplantation of paddy going on. A flight of locusts visited most parts of the district and slight damage reported from the Begusarai and Nawadah thanas. No cattle-disease. Fodder and water sufficient. No standing crops in the field, except <i>makai</i> , which is in good condition. There is sufficient grain in the market.
20	BHAGALPUR ...	0.82	10	10½	Rainfall general. Weather seasonable. Prospects improved by the rain. Transplantation of paddy and <i>marua</i> going on briskly. Prospects of sugarcane hopeful. Fodder and water sufficient. Cattle-disease reported from a few villages in thanas Madhipura and Colgong.

No.	Name of dist. ict.	Rainfall at Sadar station.	Price of common rice, in seers, per rupee.		Character of the weather and state and prospects of the crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
21	PURNEA ...	1.51	8	8	Rainfall general in the district. Heavy rain at Araria and Kishanganj. Transplantation of <i>aghani</i> paddy and weeding of jute and <i>bhadoi</i> paddy continue. Prospects of standing crops fair. No cattle-disease reported. Fodder and water sufficient.
22	DARJEELING ...	6.08	6½	6½	Weather seasonable. Hills— <i>Bhadoi</i> rice in fair state. Winter rice being transplanted. Maize being harvested. Terai—Prospects of <i>bhadoi</i> rice, jute and sugarcane fair. Land being prepared for winter paddy.
23	SONTHAL PAR-GANAS.	1.02	9	9	Rainfall general. Weather hot. Sugarcane and maize coming up well. Transplantation has commenced. Condition of cattle good. Fodder and water sufficient.
24	CUTTACK ...	1.88	10½	10½	Cotton being plucked. <i>Arhar</i> , jute, <i>mandua</i> , sugarcane and <i>saradh</i> growing. <i>Biali</i> being weeded. No cattle-disease. Fodder and water sufficient.
25	BALASORE ...	1.43	11	11	Rainfall general. Weather cloudy. Puddling of <i>saradh</i> and weeding of <i>ashu</i> paddy continue. Jute and sugarcane coming up well. Fodder and water sufficient. No cattle-disease.
26	ANGUL ...	2.07	10½	10½	Rainfall general. Weather cloudy. Winter rice, <i>bhadoi</i> and sugarcane crops growing well. Fodder and water sufficient.
27	PURI ...	0.21	10½	10½	Rainfall general. Weather seasonable. Sugarcane doing well. Sowing of <i>saradh</i> finished and puddling is estimated at 50 per cent. of the usual area. <i>Mandua</i> being transplanted. <i>Biali</i> being weeded. Miscellaneous crops doing well. Condition of cattle good. Fodder and water-supply sufficient.
28	SAMBALPUR ...	5.06	12½	12½	Rain has been general though much less in Burasambar. Sowings of autumn and winter rice nearly completed. The germination of paddy is good. Sugarcane is in good condition. Cattle-disease is prevailing to a small extent in Bargarh tahsil.
29	HAZARIBAGH	0.97	10½	10½	Rainfall general. Weather cloudy. Prospects of standing crops good. Sowing of <i>bhadoi</i> crops continues. Fodder and water sufficient. No. cattle-disease.
30	RANCHI ...	2.41	11	11	Weather hot and cloudy. Ploughing and sowing in progress. Standing crops doing well. Cattle-disease reported from two thanas. Fodder and water sufficient.
31	PALAMAU ...	6.91	11½	11	Rainfall general. Weather cloudy. <i>Bhadoi</i> cultivation in progress. Sugarcane thriving. A few cases of cattle-disease reported. Fodder and water sufficient.

No.	Name of district.	Rainfall at Sadar station.	Price of common rice, in seers, per rupee.		Character of the weather and state and prospects of the crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
Inches.					
32	MANBHUM ...	1.41	11	11	Weather seasonable. Prospect of crops good. Fodder and water sufficient. Cattle-disease reported from Chash thana.
33	SINGHBHUM ...	3.36	11	11	Sowing of paddy in progress. Cattle-disease reported from thana Chakradharpur. Fodder and water sufficient.

GENERAL SUMMARY.—Rain was fairly general all over the Province, the fall being for the most part light except at Darjeeling, Sambalpur and Palamau, where it was heavy. More rain is needed, especially in the Burdwan and Presidency Divisions, for transplantation of winter paddy. Jute and sugarcane are reported to be doing well. Locusts appeared in Champaran and Monghyr, causing only some slight damage in the latter district. Some damage to jute and paddy by insect-pests is reported from the 24-Parganas. Cattle-disease exists in nine districts. Fodder and water are sufficient. The price of common rice has risen in eight and fallen in two districts. It continues high in most districts.

C. A. OLDHAM,

Director of Agriculture, Bengal.

DEPT. OF AGRICULTURE, BENGAL,

The 10th July 1906.

PRICES-CURRENT (retail) of Food-grains and Salt in the Head-quarter

Number.	DISTRICTS	QUANTITIES PER RUPEE IN												
		WHEAT.				BARLEY.				RICE, COMMON.			JOWAR OR CHOLUM (<i>Sorghum Vulgare</i>).	
		Present return.	Next preceding return.	Corresponding return of last year.	Present return.	Next preceding return.	Corresponding return of last year.	Present return.	Next preceding return.	Corresponding return of last year.	Present return.	Next preceding return.	Corresponding return of last year.	
Burdwan Division.	BENGAL	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
	1 Burdwan	..	..	..	..	..	..	..	8 14	9 0	14 0	..	..
	2 Birbhum	..	9 0	9 0	12 12	..	..	..	9 0	9 0	13 8	..	..
	3 Bankura	..	12 0	12 0	11 0	..	..	..	10 8	11 4	13 8	..	..
	4 Midnapore	..	10 0	10 0	9 0	..	..	..	10 0	9 4	14 0	..	..
	5 Hooghly	..	8 8	8 8	8 8	..	..	..	8 6	7 10	11 0	..	..
	6 Howrah	..	..	..	12 0	..	..	..	8 0	8 8	13 0	..	..
	7 24-Parganas	..	10 5	10 6	..	..	..	..	9 0	10 2	11 8	..	..
	8 Calcutta	..	12 0	12 0	10 10	14 0	14 0	12 0	8 0	8 0	8 10	..	..
	9 Nadia	..	12 4	12 4	12 13	17 12	17 0	24 9	8 14	8 14	12 5	..	..
	10 Murshidabad	..	12 12	12 8	14 0	19 0	18 0	24 0	9 8	9 8	12 8	..	..
Presidency Division.	11 Jessore	..	8 0	8 0	10 0	10 0	10 0	11 4	9 0	9 0	14 4	..	..
	12 Khulna	..	..	..	..	..	..	..	8 0	7 8	13 0	..	..
	BIHAR.								8 0	7 8	13 0	..	..
	13 Patna	..	12 0	11 12	14 0	16 0	16 0	20 0	11 0	11 8	14 0	..	..
	14 Gaya	..	12 8	13 5	13 9	17 13	19 7	17 15	11 4	11 4	11 12	11 8	10 4	
	15 Sahababad	..	12 0	12 0	14 0	16 0	16 0	20 0	11 8	11 8	14 0	..	..
	16 Saran	..	13 0	12 0	13 0	14 0	19 0	23 0	11 0	9 12	13 0	11 0	14 0	
	17 Champaran	..	12 0	12 0	15 8	16 0	15 8	24 8	10 0	10 4	13 8	..	..
	18 Muzaffarpur	..	11 0	11 0	13 0	15 0	15 0	23 0	9 0	9 0	12 0	..	..
	19 Darbhanga	..	12 1	12 1	15 6	17 9	17 9	25 4	10 2	10 2	15 6	..	..

A. In the subdivisions the retail prices of salt per rupee are—Kainia 17½ seers; Katwa 16 seers 10 chitaks; Raniganj 16 seers.

B. Rampur Hat return not received.

C. At Vishnupur the retail price of salt is 16 seers per rupee.

D. In the subdivisions the retail prices of salt (panga) per rupee are—Contai 16 seers; Tamluk 16 seers; Ghatal 16 seers.

E. In the subdivisions the retail prices of salt per rupee are—Serampore 16 seers (Liverpool); Arambagh return not received.

F. At Ulubaria the retail price of salt is 16 seers.

G. In the marts in the interior of the district the retail prices of salt per rupee are—Chetia 16½ seers; Barasat 14 seers; Baduria 16 seers (crushed); Mograhhat 16 seers; Barrackpore 14 seers.

H. In the subdivisions the retail prices of salt per rupee are—Kushtia 16 seers (panga); Chuadanga 13 seers (karkatch); Meherpur 12½ seers (karkatch); Ranaghat 12 seers (crushed).

SEERS OF 80 TOLAHS.

BAJRA OR CUMBU (<i>Pennisetum typhoid-</i> <i>um</i>).				MARUA OR RAGI (<i>Eleusine Corocana</i>).				KANGNI OR KAKUN, ITALIAN MILLET (<i>Setaria italica</i>).					
Present return.		Next preceding re- turn.		Corresponding re- turn of last year.		Present return.		Next preceding re- turn.		Corresponding re- turn of last year.		Present return.	
S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.
10	10	...	...	12	0	...	...	10	0	10	0	7	0
10	4	8	8	12	4	...	20	0	...	10	4	10	4
10	0	...	...	17	4	...	16	0	...	12	0	...	...
...	...	...	...	17	0	16	0	28	0	...	...	...	...
...	...	...	...	14	0	15	0	23	0	...	...	...	...
...	...	...	...	16	8	16	8	27	8	...	...	...	...

GRAM, CHANA CHHOLA, KADALAY OR SUNAGA (<i>Cicer arietinum</i>).				INDIAN-CORN OR MAIZE (<i>Zea mays</i>).				ARHAR (<i>ddl</i>) OR THUR, CADJAN PEA (<i>Cajanus indicus</i>)											
Present return.		Next preceding re- turn.		Corresponding re- turn of last year.		Present return.		Next preceding return.		Corresponding return of last year.		Present return.		Next preceding return.		Corresponding return of last year.			
S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.		
10	11	11	8	16	0	...	...	...	...	7	8	8	4	10	4		
10	8	10	8	14	4	...	...	...	...	6	12	6	12	9	0		
11	0	10	8	11	0	...	...	...	...	10	0	9	0	10	0		
10	8	10	8	11	0	} to 12	8	12	8	13	0	8	0	8	0	9	0		
12	8	12	8	13	0														
10	0	10	0	13	0	...	...	...	...	8	0	8	0	10	0		
8	8	8	8	16	0	...	...	...	...	8	0	7	8	10	0		
11	0	12	12	14	0	...	...	...	...	9	8	9	8	11	8		
11	6	11	6	12	4	...	...	15	0	9	0	9	0	8	0		
11	3	12	0	18	5	...	...	...	...	7	2	7	4	9	2		
12	8	12	0	18	0	...	...	...	...	8	8	8	0	11	0		
10	12	10	12	16	0	...	...	...	12	12	12	12	16	0			
9	8	9	8	15	0	...	...	...	7	8	7	8	10	0			
15	0	14	0	18	0	...	...	18	0	8	8	9	0	12	0		
14	14	15	14	18	2	...	—	18	7	8	7	8	11	10	12				
15	0	15	0	18	0	...	...	...	9	0	9	0	12	0			
14	0	14	0	17	0	13	8	13	8	18	0	10	0	9	8	12	0		
15	0	14	12	19	4	11	8	11	8	21	0	8	0	8	0	12	8		
12	0	12	0	13	0	11	0	11	0	17	0	8	0	8	0	12	8		
13	11	14	4	19	12	11	0	11	0	24	3	7	11	7	11	19	12		

Station Bazars of the Districts of Bengal on the 30th June 1906.

WHOLESALE PRICES PER MAUND OF 40 SEERS.								AVERAGE WAGES PER MONTH.												DISTRICTS.	Number.
SALT.				SALT.				UNSKILLED LABOUR— ABLE-BODIED AGRICULTURAL LABOURER.				SYC OR HORSE KEEPER.				SKILLED LABOUR— COMMON MASON, CARPENTER OR BLACKSMITH.				Number.	
Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Present return.			
S. Ch.	S. Ch.	s. Ch.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.				
A. 17 0	15 0	16 8	2 5 0	2 5 0	2 4 0	11 4	11 4	11 4	11 4	11 4	11 4	11 4	11 4	11 4	11 4	11 4	11 4	11 4	Burdwan.	1	
B. 14 4	14 4	16 0	2 8 0	2 9 0	2 7 0	7 8	7 8	7 8	7 8	7 8	7 8	7 8	7 8	7 8	7 8	7 8	7 8	7 8	Birbhum.	2	
C. 16 8	16 0	16 12	2 6 0	2 7 0	2 6 0	7 0	7 0	6 12	6 0	6 0	6 0	6 0	6 0	6 0	6 0	6 0	6 0	6 0	Bankura.	3	
D. 13 12	13 12	14 0	2 5 0	2 5 0	2 6 0	8 7	7 8	...	7 8	7 8	...	7 8	7 8	...	12 3	12 3	12 3	12 3	Midnapore.	4	
E. Liverpool	Kar-katch.	17 0	18 0	16 0	2 4 0	3 0 0	2 8 0	10 0	10 0	10 0	10 0	8 0	8 0	8 0	12 0	12 0	12 0	12 0	Hooghly.	5	
F. 16 0	16 0	17 0	2 6 0	2 8 0	2 6 0	10 0	9 6	9 12	9 0	8 0	11 4	15 0	15 0	15 0	12 0	12 0	12 0	12 0	Howrah.	6	
G. 17 4	17 8	16 0	2 2 0	2 2 0	2 5 0	9 6	9 0	9 0	8 0	7 0	8 0	15 0	15 0	15 0	12 0	12 0	12 0	12 0	24-P. r. g. n. s.	7	
H. 16 0	16 0	18 0	2 2 0	2 2 0	2 8 0	10 0	10 0	10 0	8 0	9 0	9 0	15 0	15 0	15 0	20 0	20 0	20 0	20 0	Calcutta.	8	
I. 16 0	16 0	16 0	2 5 0	2 5 0	2 4 0	7 8	7 8	7 8	8 0	8 0	7 0	12 0	12 0	12 0	10 0	10 0	10 0	10 0	Nadia.	9	
J. 16 0	16 0	16 4	2 8 0	2 8 0	2 6 0	6 0	6 0	7 0	6 0	6 0	6 0	15 0	15 0	15 0	12 0	12 0	12 0	12 0	Murshidabad.	10	
K. 13 8	13 8	13 5	2 12 0	2 12 0	2 8 0	9 0	9 0	9 0	7 0	7 0	7 0	15 0	15 0	15 0	10 0	10 0	10 0	10 0	Jessore.	11	
L. 15 0	16 0	16 0	2 8 0	2 8 0	2 8 0	5 8	5 8	5 8	5 8	5 8	5 8	11 0	11 0	11 0	12 0	12 0	12 0	12 0	Khuina.	12	
M. 15 14	16 0	15 14	2 10 0	2 9 0	2 6 0	4 0	4 0	4 0	4 0	4 0	4 0	7 8	7 8	7 8	5 10	5 10	5 10	5 10	Gaya.	14	
N. 16 0	15 0	16 0	2 8 0	2 10 8	2 8 0	4 11	4 11	4 11	4 11	4 11	4 11	5 8	5 8	5 8	7 8	7 8	7 8	7 8	Shahabad.	15	
O. 15 8	16 0	16 0	2 8 0	2 8 0	2 8 0	9 6	9 6	9 6	4 0	4 0	4 0	6 0	6 0	6 0	9 6	9 6	9 6	9 6	Saran.	16	
P. 15 0	15 0	15 0	2 10 0	2 10 0	2 9 0	5 0	4 12	5 0	5 0	4 0	5 0	7 8	7 8	7 8	7 8	7 8	7 8	7 8	Champaran.	17	
Q. 14 8	14 8	13 0	2 10 6	2 10 6	2 15 3	6 0	4 0	4 0	5 0	4 0	4 0	8 0	8 0	7 0	7 0	7 0	7 0	7 0	Muzaffarpur.	18	
R. 15 6	15 6	15 6	2 9 8	2 9 8	3 5 0	7 0	5 0	5 0	5 0	5 0	5 0	10 5	10 5	10 5	10 0	10 0	10 0	10 0	Darbhanga.	19	

I. In the subdivisions the retail prices of salt per rupee are—Lalbagh 16 seers; Kandi 16 seers; Jangipur 15½ seers.

J. In the subdivisions the retail prices of salt per rupee are—Jhenidha 12 seers (karkatch); Magura 12 seers (karkatch); Bangaon 16 seers (Panga); Narail return not received.

K. In the subdivisions the retail prices of salt per rupee are—Bagerhat 12 seers (karkatch); Satkhira 16 seers.

L. In the subdivisions the retail prices of salt per rupee are—Bard 16 seers (panga); Bibar 14 seers.

M. In the subdivisions the retail prices of salt per rupee are—Jahanabad 15 seers; Navada and Aurangabad return not received.

N. In the subdivisions the retail prices of salt per rupee are—Buxar 15 seers; Bhabus 13½ seers and Sasaram 15 seers.

O. In the subdivisions the retail prices of salt per rupee are—Sawan return not received; Gopalganj 15 seers 4½ chitaks (panga).

P. At Bestiab the retail price of salt is 14 seers 8 chitaks per rupee.

Q. In the subdivisions the prices of salt per rupee are—Sitamarhi 14 seers; Hajipur 13 seers.

R. In the subdivisions the retail prices of salt per rupee are—Samastipur 14 seers; Madhubani 14 seers 15 chitaks.

PRICES-CURRENT (retail) of Food-grains and Salt in the Head-quarter

Number.	DISTRICTS.	QUANTITIES PER RUPEE IN															
		WHEAT.				BARLEY.				RICE, COMMON.				JOWAR OR CHOLUM (<i>Sorghum Vulgare</i>).			
		Present return.	Next preceding return.	(Corresponding return of last year.)	Present return.	Next preceding return.	(Corresponding return of last year.)	Present return.	Next preceding return.	(Corresponding return of last year.)	Present return.	Next preceding return.	(Corresponding return of last year.)	Present return.	Next preceding return.	(Corresponding return of last year.)	
BIHAR—concluded.																	
BHAGALPUR DIVISION.	20 Monghyr	12 9	13 10	15 7	16 12	17 13	27 3	9 7	9 7	12 4	...	...	...	...	...	...
	21 Bhagalpur	12 0	11 8	14 8	17 0	16 10	23 12	10 2	10 2	13 4	...	...	...	...	...	...
	22 Purnea	12 0	12 0	16 0	...	...	...	8 0	8 0	12 0	...	...	...	...	...	...
	23 Darjeeling	...	...	...	...	...	...	7 8	7 8	11 0	...	...	...	...	...	...
ORISSA.	24 Sonthal Parganas.	10 0	10 0	11 0	13 0	12 8	18 0	9 0	9 0	14 0	...	...	...	...	...	...
	25 Cuttack	11 18	11 13	13 2	...	...	...	11 2	11 2	15 12	...	...	...	...	...	...
	26 Balasore	10 0	10 0	13 0	...	...	...	11 0	11 0	15 0	...	...	...	...	...	...
	27 Angul	6 0	6 0	8 0	...	...	...	10 8	11 0	15 0	...	...	...	...	...	...
ORISSA DIVISION.	28 Puri	9 13	10 8	12 7	...	...	...	11 2	10 8	15 12	...	...	...	...	...	...
	29 Sambalpur	12 8	12 8	13 8	...	...	...	12 12	12 7	17 0	...	...	...	...	...	...
	CHOTA NAGPUR.																
	30 Hazaribagh	10 0	10 0	11 0	15 0	17 8	14 8	10 0	10 0	11 0	...	...	...	...	...	...
CHOTA NAGPUR DIVISION.	31 Ranchi	9 0	9 0	7 8	16 0	15 0	15 0	11 0	10 8	11 0	...	...	...	...	...	...
	32 Palamau	9 8	to 10 0	11 0	11 13	14 10	18 0	18 0	18 0	11 4	11 4	11 4	...	...	...	...
	33 Manbhum	11 8	11 0	11 8	12 0	13 0	14 0	11 0	11 8	12 0	...	...	...	...	...	...
	34 Singhbhum	12 0	12 0	14 0	...	...	...	11 8	11 8	14 0	...	...	...	...	...	...

S. In the subdivisions the retail prices of salt (panga) per rupee are—Jamui 16 seers; Begusarai 14 seers.
T. In the subdivisions the retail prices of salt per rupee are—Banka 13½ seers (panga); Madhipura 13 seers (panga); and Supaul 14 seers (panga).

U. In the subdivisions the retail prices of salt per rupee are—Kishanganj 13 seers; Basantpur 13 seers.
V. In the subdivisions the retail prices of salt per rupee are—Kurssong 11 seers; Siliguri 10½ seers.
W. In the subdivisions the retail prices of salt per rupee are—Godda 10 seers (karkatch); Rajmahal return not received; Pakour 16 seers; Deoghar 16 seers; Jamtara 13 seers.

CALCUTTA,
The 10th July 1906.

SEERS OF 80 TOLAHS.

BAJRA OR CUMBU (<i>Pennisetum typhoid-</i> <i>sum</i>).				MARUA OR RAGI (<i>Eleusine Coracana</i>).				KANGNI OR KAKUN, ITALIAN MILLET (<i>Setaria italica</i>).					
Present return.		Next preceding re- turn.		Corresponding re- turn of last year.		Present return.		Next preceding re- turn.		Corresponding re- turn of last year.		Present return.	
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
...
...	8 4	9 8	12 0	...	...	...	...	...	...	...
...
...
...
...
...	18 0	18 0	19 0	...	...	...	...	...	...	...
...	23 0	22 0	24 0	...	...	...	...	...	...	...
...
...

GRAM, CHANA, CHHOLA, KADALAY OR SUNAGA (<i>Cicer arietinum</i>).			INDIAN-CORN OR MAIZE (<i>Zea mays</i>).			ARHAR (<i>dal</i>) OR THUR, CADJAN PEA (<i>cajanus indicus</i>).		
Present return.	Next preceding return.	Corresponding return of last year.	Present return.	Next preceding return.	Corresponding return of last year.	Present return.	Next preceding return.	Corresponding return of last year.
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
13 10	14 10	19 10	...	...	...	8 6	8 6	10 8
12 12	12 12	19 0	11 6	11 6	21 8	7 10	7 10	10 12
12 0	11 8	16 0	...	...	24 0	7 0	7 0	10 0
10 4	9 0	10 0	9 0	9 0	10 8	6 8	5 8	6 8
11 8	11 0	14 0	13 0	11 0	16 0	11 0	12 0	16 0
Biri or kalai.								
13 2	13 2	18 6	...	...	...	13 2	13 2	17 1
11 0	11 0	14 0	...	...	...	8 0	8 0	10 0
12 8	13 0	17 0	...	...	...	12 0	18 0	20 0
12 0	12 0	16 0	...	...	...	8 8	9 3	11 2
12 7	13 2	16 6	...	...	...	9 0	9 0	9 8
10 8	11 0	15 8	...	...	...	6 8	6 8	6 0
12 8	12 0	14 0	13 8	13 0	14 8	7 8	8 0	8 8
10 8	11 0	13 0	...	...	...	10 2	10 2	11 4
13 8	14 1	16 14	13 8	14 10	15 12	9 8	8 8	11 8
11 8	11 0	14 0	...	14 10	...	12 0	12 0	13 0
10 0	10 0	14 0	...	...	...

Station Bazars of the districts of Bengal on the 30th June 1906 —concl'd.

		WHOLESALE PRICES PER MAUND OF 40 SEERS.				AVERAGE WAGES PER MONTH.													
SALT.		SALT.				UNSKILLED LABOUR— ABLE-BODIED AGRICULTURAL LABOURER.				SYC OR HORSE- KEEPER.				SKILLED LABOUR— COMMON MASON, CARPENTER OR BLACKSMITH.				DISTRICTS.	
Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Present return.	Next return.	Corresponding return of last year.	Number.	
S. Ch.	S. Ch.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	BIHAR—concl'd.	
S.	15 11	14 10 1/2	15 11	2 10 0	2 12 0	2 10 0	4 0 4 0	4 0 4 0	4 0 4 0	4 0 4 0	4 0 4 0	8 0 8 0	6 0 6 0	8 0 8 0	20	Monghyr			
T.	15 2	15 2	16 8	2 7 0	2 7 0	2 8 0	6 4 6 4	6 4 6 4	5 0 5 0	5 0 5 0	6 0 6 0	15 0 15 0	15 0 15 0	12 0 12 0	21	Bhagalpur.			
U.	13 0	13 0	12 0	3 0 0	3 0 0	3 4 0	... 6 0	6 0	... 6 0	... 6 0	6 0	7 8 7 8	7 8 7 8	7 8 7 8	22	Purnea.			
V.	11 8	11 8	12 0	3 6 0	3 7 0	3 6 0	7 0 7 8	7 0 7 8	8 0 8 0	8 0 8 0	8 0 8 0	15 0 15 0	15 0 15 0	15 0 15 0	23	Darjeeling.			
W.	14 0	14 0	14 0	2 12 0	2 12 0	2 14 0	4 11 4 11	4 11 4 11	5 0 5 0	5 0 5 0	5 0 5 0	25 0 25 0	25 0 25 0	25 0 25 0	24	South Bihar.			
X.	16 0	16 0	15 0	2 5 0	2 5 0	2 8 0	5 0 5 0	5 0 5 0	5 8 5 8	5 8 5 8	5 8 5 8	9 0 9 0	9 0 9 0	9 0 9 0	25	Cuttack.			
Y.	16 0	16 0	17 0	2 7 0	2 7 0	2 6 0	6 9 6 9	6 9 6 9	5 0 5 0	5 0 5 0	5 0 5 0	7 8 7 8	7 8 7 8	8 0 8 0	26	Malda.			
Z.	10 8	10 8	10 8	3 0 0	3 0 0	3 4 0	3 12 3 12	3 12 3 12	3 0 3 0	3 0 3 0	3 0 3 0	12 0 12 0	11 4 11 4	12 0 12 0	27	Angul.			
a.	17 0	17 0	16 0	2 4 0	2 4 0	2 6 0	6 0 6 0	6 0 6 0	6 0 6 0	6 0 6 0	6 0 6 0	15 0 15 0	11 4 11 4	11 4 11 4	28	Puri.			
b.	13 0	13 0	11 0	3 0 0	3 0 0	3 4 0	0 3-12-3	2 12 2-6-8	4 0 4 0	4 0 4 0	4 0 4 0	10 0 10 0	10 0 10 0	10 0 10 0	29	Sambalpur.			
c.	12 0	12 0	12 8	3 3 0	3 2 0	18 1 0	6 0 6 0	5 0 5 0	5 0 5 0	5 0 5 0	5 0 5 0	8 0 8 0	8 0 8 0	8 0 8 0	30	Hazaribagh.			
d.	13 8	13 8	14 10	... 1	... 1	... 1	5 10 5 10	4 8 4 8	6 0 6 0	5 8 5 8	5 8 5 8	11 4 11 4	9 0 9 0	9 0 9 0	31	Ranchi.			
e.	15 0	13 0	14 4	2 9 0	2 9 0	2 8 0	4 11 4 11	4 11 4 11	5 0 5 0	5 0 5 0	5 0 5 0	11 4 11 4	11 4 11 4	6 0 6 0	32	Palamau.			
f.	13 0	13 0	11 0	3 0 0	3 0 0	3 8 0	4 0 4 0	4 0 4 0	7 0 7 0	7 0 7 0	7 0 7 0	22 8 22 8	5 0 5 0	7 0 7 0	33	Manbhumi.			
g.	18 0	13 0	11 0	3 0 0	3 0 0	3 8 0	... 4 0	... 4 0	... 7 0	... 7 0	... 7 0	12 0 12 0	12 0 12 0	15 0 15 0	34	Singhbhum.			

X. Kedrapara and Jajpur return not received.

Y. At Bhadrak the retail price of salt is 14 seers per rupee (panga).

Z. In the marts in the interior of the district the retail prices of salt per rupee are—Sankhpur 11 seers (karkatoh); Phalbani 9 seers (karkatoh).

a. At Khur'a the retail price of salt is 18 seers per rupee.

b. At Bargarh the retail price of salt is 11 seers 4 chittaks (Bombay) a rupee.

c. At Gumla the retail price of salt is 8 seers per rupee (panga).

d. In the subdivisions the retail prices of salt per rupee are—Gobindapur 16 seers (panga); Jhalda 11 seers (panga).

e. Sold for seeds only.

Published for general information.

C. E. A. W. OLDHAM,
Director of Agriculture, Bengal.

PRICES-CURRENT (wholesale) of Food-grains, Firewood, &c., in

Number.	Marts.	PRICE PER MAUND OF											
		RICE (BEST SORT).			COMMON RICE (<i>mota chaul</i>).			WHEAT (<i>Triticum sativum</i>).			BARLEY (<i>Hordeum vulgare</i>).		
		Present return.	Next preceding return.	Corresponding return of last year.	Present return.	Next preceding return.	Corresponding return of last year.	Present return.	Next preceding return.	Corresponding return of last year.	Present return.	Next preceding return.	Corresponding return of last year.
1	Calcutta	6 8 0	6 8 0	5 8 0	5 0 0	5 0 0	4 8 0	3 0 0	3 0 0	3 8 0	2 6 0	2 10 0	2 10 0
2	Burdwan	4 13 6	4 13 6	3 9 0	4 2 0	4 2 0	2 14 0	...	...	...	—	—	—
3	Midnapore	4 10 0	4 12 0	3 2 0	4 0 0	4 5 6	2 10 0	...	...	...	...	...	...
4	Patna	5 0 0	5 0 0	4 0 0	3 10 0	3 8 0	2 14 0	3 5 0	3 6 0	2 14 0	2 8 0	2 4 0	2 0 0
5	Muzaffarpur	5 11 6	5 11 6	5 0 0	4 3 3	4 3 3	3 1 3	3 5 3	3 5 3	2 13 9	2 8 0	2 8 0	1 10 6
6	Bhagalpur	6 6 0	6 6 0	3 15 0	3 15 0	3 15 0	3 0 0	3 4 0	3 4 0	2 12 0	2 6 0	2 6 0	1 12 0
7	Outtack	5 1 3	5 1 3	3 13 0	3 5 4	3 5 4	2 8 0	3 5 4	3 5 4	3 0 9	—	...	...
8	Sambalpur	4 6 0	4 4 0	3 13 0	3 0 0	3 0 0	2 4 0	3 2 0	3 2 0	2 13 6	...	...	...
9	Ranohi	5 1 3	5 1 3	4 7 8	3 4 3	3 3 3	3 3 3	{ 4 3 6 to 4 7 0 }	{ 4 0 0 to 4 7 0 }	{ 3 10 0 to 5 8 0 }	2 8 0	2 10 9	2 10 8

CALCUTTA,

The 10th July 1906.

40 STANDARD SEERS.

JUAR OR CHOLUM (<i>Sorghum vulgare</i>).				BAJRA OR CUMBU (<i>Pennisetum typhoideum</i>).				MARUA OR RAGI (<i>Eleusine coracana</i>).				GRAM, CHANA, CHOLA, KADALAY, OR SUNAGA (<i>Cicer arietinum</i>).					
Present return.		Next preceding return.		Corresponding return of last year.		Present return.		Next preceding return.		Corresponding return of last year.		Present return.		Next preceding return.		Corresponding return of last year.	
Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
3	12	0	3	12	0	2	14	0	3	4	0	3	4	0	3	0	0
3	6	0	3	6	0	3	6	0	3	4	6	2	8	0	3	0	0
3	0	0	3	0	0	3	0	0	3	0	0	2	12	0	3	0	0
3	8	0	3	8	0	3	8	0	3	8	0	3	4	0	3	4	0
2	10	6	2	8	0	1	10	6	2	11	0	2	14	0	2	3	0
3	2	0	3	2	0	3	2	0	3	2	0	2	1	6	3	2	0
3	0	9	3	0	9	3	0	9	3	0	9	2	3	0	3	0	9
3	9	6	3	7	0	3	9	6	3	7	0	2	8	0	3	7	0
3	13	0	3	10	3	3	13	0	3	10	3	3	1	0	3	1	0

PRICE PER MAUND OF

INDIAN-CORN OR MAIZE (<i>Zea mays</i>).				ARHAR DAL OR THUR— CADJAN PEA (<i>Cajanus indicus</i>).				LINSEED.				MUSTARD AND RAPESEED.					
Present return.		Next preceding return.		Present return.		Next preceding return.		Present return.		Next preceding return.		Present return.		Next preceding return.			
Rs	A.	P.	Rs	A.	P.	Rs	A.	P.	Rs	A.	P.	Rs	A.	P.	Rs	A.	P.
2	8	0	4	8	0	4	8	0	4	12	0	5	4	0	5	12	0
4	10	9	4	13	6	3	12	0	..	..	..	..	..	..	5	12	0
4	10	0	4	10	0	4	0	0	4	12	0	5	0	0	4	14	0
2	3	0	4	11	0	4	8	0	3	5	0	5	4	0	6	0	0
2	3	6	4	11	0	4	11	0	3	1	3	..	..	..	..	..	..
1	13	9	5	4	0	5	4	0	3	11	6	5	0	0	5	13	0
3	0	9	3	0	9	2	5	6	..	..	..	..	..	..	6	4	0
3	14	0	3	14	0	3	14	0	..	..	..	..	..	..	5	6	0
6	2	6	6	2	6	6	10	6	5	0	0	5	0	0	6	10	6
															7	0	0
															6	6	6
															5	14	0

* For seeds only.

40 STANDARD SEERS.

TIL OR JINJILI SEED.				SUGAR (RAW).				COTTON (CLEANED).				JUTE.				
Present return.		Next preceding return.		Present return.		Next preceding return.		Present return.		Next preceding return.		Present return.		Next preceding return.		
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
7 0 0	6 8 0	4 4 0	6 4 0	6 4 0	5 4 0	18 8 0	18 0 0	17 0 0	11 12 0	10 0 0	6 14 0					
..	..	..	..	6 8 0	6 10 0	..	..	..	..	..	..
{}	{}	{}	{}	5 4 0	5 4 0	6 8 0	{}	20 0 0	20 0 0	{}	{}	{}	{}	{}	{}	{}
								24 0 0	24 0 0			23 0 0				
7 0 0	7 0 0	5 12 0	4 8 0	4 8 0	5 8 0	18 0 0	18 0 0	..	..	8 0 0	8 0 0	9 0 0				
..	..	..	..	5 0 0	5 0 0	3 10 0	..	..	..	..	..
{}	{}	{}	{}	4 6 0	4 6 0	4 8 0	20 0 0	20 0 0	19 0 0	{}	{}	{}	{}	{}	{}	{}
5 3 9	5 3 9	5 2 0	4 0 6	4 0 6	5 5 0	22 13 0	22 13 0	22 0 0	..	..	..		
4 14 0	4 14 0	4 6 0	6 2 0	6 2 0	5 3 4	..	..	..	..	6 4 0	6 4 0	6 0 0				
{}	{}	{}	{}	5 11 6	5 5 0	{}	{}	26 10 0	26 10 0	26 10 0	{}	{}	{}	{}	{}	{}

PRICE PER MAUND OF 40 STANDARD SEERS.																	
GHI (CLARIFIED BUTTER).				TOBACCO LEAF				HIDES (COW).				GRASS.					
Present return.		Next preceding return.		Corresponding return of last year.		Present return.		Next preceding return.		Corresponding return of last year.		Present return.		Next preceding return.		Corresponding return of last year.	
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
39 0 0	38 8 0	41 0 0	8 8 0	8 0 0	9 0 0	350 0	Per 100 pieces.	400 0	0 0	350 0 0	1 6 0	1 4 0	1 2 0				
39 5 3	40 0 0	34 0 0	...	...	...	2 8 0	Uncleaned per piece.	2 4 0	1 12 0	...	...	...	...	...	...	...
			7 0 0	7 0 0	5 8 0	3 8 0	to	to	to	2 12 0	3 8 0	3 4 0	2 12 0	...	...	...
41 0 0	40 8 0	35 0 0	7 0 0	7 0 0	5 8 0	2 12 0	Cleaned per piece.	2 8 0	2 0 0	2 0 0	3 12 0	3 8 0	3 0 0	3 0 0
41 0 0	40 8 0	35 0 0	9 0 0	9 0 0	8 8 0	2 12 0	to	to	to	3 12 0	3 8 0	3 0 0	3 0 0	...	...	...
36 0 0	36 0 0	30 0 0	8 8 0	3 8 0	3 8 0	3 12 0	to	to	to	3 12 0	3 8 0	3 0 0	3 0 0	...	...	...
40 0 0	35 9 0	32 0 0	8 0 0	8 0 0	8 0 0	3 12 0	to	to	to	3 12 0	3 8 0	3 0 0	3 0 0	...	...	...
39 6 0	39 6 0	36 0 0	5 3 0	4 13 0	6 0 0	3 12 0	to	to	to	3 12 0	3 8 0	3 0 0	3 0 0	...	...	...
38 1 6	38 1 6	35 0 0	5 7 6	5 7 6	4 4 0	25 0 0	Per maund.	25 0 0	0 0	25 0 0	0 7 6	0 7 6	0 8 0	0 8 0
40 0 0	40 0 0	36 4 0	22 13 0	22 13 0	16 0 0	40 0 0	Per maund.	40 0 0	40 0 0	38 0 0
40 0 0	40 0 0	35 0 0	10 0 0	10 0 0	10 0 0	2 0 0	Per piece.	2 0 0	2 0 0	1 8 0	0 8 0	0 8 0	0 6 4	0 6 4
45 11 5	45 11 5	40 0 0	10 0 0	10 0 0	10 0 0	2 0 0	to	2 0 0	0 0	2 0 0	0 8 0	0 8 0	0 6 4	0 6 4

the undermentioned Marts of Bengal on the 30th June 1906.

STRAW.			JUAR STALKS.			PRICE PER MAUND OF 40 STANDARD SEERS.												MARTS.	
Present return.	Next preceding return.	Corresponding return of last year.	Present return.	Next preceding return.	Corresponding return of last year.	IRON.	Present return.	Next preceding return.	Corresponding return of last year.	FIREWOOD.	Present return.	Next preceding return.	Corresponding return of last year.	SALT.	Present return.	Next preceding return.	Corresponding return of last year.		
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	1. Calcutta.	
1 0 0	0 14 0	0 14 0	...	...	...	5 12 0	5 12 0	6 0 0 0	8 0 0 0	8 0 0 0	8 0 0 0	2 2 0	2 2 0	2 2 0	2 2 0	2 2 0	2 2 0	1. Calcutta.	
0 11 0	6 11 0	0 10 6	...	...	...	...	...	0 5 6	0 5 6	0 7 6	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2. Burdwan.
Per maund.			Per maund.			Per maund.			Per maund.			Per maund.			Per maund.			3. Midnapore.	
0 8 0	0 8 0	0 8 0	...	...	...	...	...	2 8 0	2 8 6	2 8 0	0 4 0	0 4 0	0 4 0	2 4 0	2 3 0	2 3 0	2 3 0	2 3 0	4. Patna.
...	...	...	...	...	...	...	...	2 8 0	2 8 6	2 8 0	0 4 0	0 4 0	0 4 0	2 4 0	2 3 0	2 3 0	2 3 0	2 3 0	5. Muzaffarpur.
...	...	...	...	...	...	...	...	4 0 0	4 0 0	4 0 0	0 6 0	0 6 0	0 6 0	2 8 0	2 8 0	2 8 0	2 8 0	2 8 0	6. Bhagalpur.
1	...	...	...	...	...	1	5 11 6	5 11 6	5 11 6	0 5 3	0 5 3	0 5 3	0 4 0	0 2 10	0 2 10	0 2 10	0 2 10	7. Cuttack.	
...	...	...	...	...	...	...	...	5 0 0	5 0 0	5 0 0	0 5 0	0 5 0	0 5 0	2 7 0	2 7 0	2 7 0	2 7 0	2 7 0	8. Sambalpur.
0 9 6	0 9 6	0 8 0	—	—	—	—	—	4 12 0	4 12 0	3 13 4	0 5 0	0 5 0	0 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	9. Ranchi.
...	...	...	...	...	...	...	...	...	...	0 4 0	0 3 6	0 4 0	0 3 6	0 3 0	0 3 0	0 3 0	0 3 0	0 3 0	
2 0 0	2 0 0	0 12 9	...	...	...	5 3 8	5 11 6	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	

C. E. A. W. OLDHAM,

Director of Agriculture, Bengal.

No

Imports of Principal Articles into the Calcutta Trade Block

Whence imported	FOOD-GRAINS								FIBROUS PRODUCTS		OILSEEDS	
	Rice and paddy			Wheat	Wheat flour	Gram and pulse	Other food-grains	Total	Jute, raw	Gunny bags†	Linseed	Mustard seed
	Rice	Paddy*	Total (in rice)									
BENGAL	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds	No	Mds	Mds
Burdwan	103,590	12,417	111,551	74	20	3,046	18	114,509	84	17,385	404	534
Birbhum	136,631	1,319	137,455	3	704	.....	.....	138,163	.....	770	.....	.....
Bankura	33,242	5,728	36,832	.....	.....	.....	.....	36,823	.....	2,065	.....	.....
Midnapore	183,409	56,183	213,773	.....	.....	9,064	16	222,853	234	10,478	3,269	.....
Hooghly	114,861	8,614	120,245	1,054	4	5,398	744	127,445	28,594	2,143,206	3,156	212
24-Parganas	268,668	13,927	277,023	50	.....	2,874	.....	279,945	231,789	7,542,733	2,311	.....
Nadia	4,368	358	4,689	810	.....	67,481	7,444	80,324	3,719	10,241	39,099	202
Murshidabad	7,354	.....	7,354	199	.....	3,964	561	12,068	990	6,690	2,658	.....
Jessore	32	1,125	735	.....	.....	10,535	499	11,769	10,742	14,490	2,582	.....
Khulna	953	4,575	3,812	.....	.....	452	.....	4,264	6,819	3,675	203	.....
Total Bengal	852,008	97,841	913,158	2,187	27	103,508	9,282	1,028,162	272,961	9,751,132	53,692	1,348
BIHAR												
Patna	9	.....	9	2	.....	14,210	390	14,630	.....	140	46,445	684
Gaya	403	.....	403	.....	.....	7,561	1,833	9,796	61	175	18,708	423
Shanabad	336	.....	336	.....	766	7,986	854	9,942	.....	455	23,434	825
Baran	.....	.....	.....	.....	.....	823	.....	803	.....	10,406	1,468	.....
Champaran	.....	.....	.....	20	.....	267	3,908	4,195	342	.....	33,988	4,807
Muzaffarpur	31	.....	31	.....	.....	.....	203	234	.....	.....	81,672	815
Darbhanga	.....	.....	549	.....	.....	605	1,154	1,165	.....	.....	64,304	3,883
Monghyr	.....	.....	1,015	3	16,647	.....	17,665	.....	.....	385	29,691	26,155
Saharsa	336	.....	336	756	.....	2,311	4,908	8,311	5,455	1,225	14,420	14,255
Purnea	.....	.....	344	.....	.....	.....	344	100,470	16,100	1,299	408	.....
South 24 Parganas	933	.....	933	3,356	.....	4,578	4,390	13,257	6,544	70	818	1,051
Darjeeling	.....	.....	.....	6	2	.....	8	2,821	4,550	.....	.....	.....
Cooch Behar	.....	.....	.....	.....	.....	.....	.....	17,638	385	.....	.....	.....
Total Bihar	2,048	.....	2,048	6,042	769	54,389	17,101	80,349	133,381	24,290	327,094	55,034
ORISSA	*	*	*	*	*	*	*	*	*	*	*	*
Outback	5,905	350	6,214	.....	.....	1,173	.....	7,387	6,872	770	.....	.....
Balasore	124,132	114,979	195,994	12	.....	2,577	.....	198,583	45,864	2,350	.....	.....
Puri	18,818	.....	18,818	.....	.....	.....	.....	18,818	.....	.....	344	8
Sambalpur	39,507	.....	39,507	.....	.....	.....	39,507	200	.....	.....	.....	58
Mourbhanj State	12,448	2,303	18,387	.....	.....	19	.....	13,906	.....	175	.....	.....
Total Orissa	200,900	117,632	274,420	12	.....	3,709	.....	278,201	58,936	3,825	344	67
CHOTA NAGPUR	*	*	*	*	*	*	*	*	*	*	*	*
Hazaribagh	.....	.....	.....	.....	.....	.....	.....	.....	.....	385	.....	.....
Palaman	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,604	.....	826
Manbhum	10,539	1,971	11,771	.....	.....	.....	.....	11,771	.....	.....	3	.....
Singhbhum	45,921	1,063	46,586	.....	.....	256	.....	46,842	.....	1,645	263	218
Gangpur (Tributary State)	330	.....	330	.....	.....	.....	330	.....	405	.....	.....	.....
Total Chota Nagpur	56,700	3,034	58,687	.....	.....	250	.....	58,943	.....	2,485	6,370	1,044
Total of the Provinces under the Lieutenant-Governor of Bengal	1,111,746	218,507	1,248,313	8,241	796	161,923	26,383	1,445,659	458,278	9,781,232	388,000	57,393
OTHER PROVINCES AND PLACES	*	*	*	*	*	*	*	*	*	*	*	*
Burma	56,038	6,314	59,084	.....	.....	13,535	1,108	74,627	.....	.....	.....	.....
B B and Assam	86,723	.....	80,722	141	7	8,155	.....	59,026	356,925	156,075	14,130	16,944
U P of Agra and Oudh	20	.....	20	64,627	6,481	34,880	5,492	111,500	686	980	100,788	147,311
Punjab	84	.....	84	5,418	5,933	25,672	.....	37,107	.....	140	.....	29,601
Central Provinces and Berar.	400	.....	400	4,947	.....	72,139	.....	77,496	.....	.....	26,257	87
Bombay	22	.....	22	.....	.....	.....	.....	22	.....	.....	.....	2,026
Madras	22	.....	22	.....	.....	13,621	133	13,776	.....	.....	.....	.....
Rajputana and Central India	.....	.....	.....	.....	.....	338	.....	338	.....	7,244	.....	307
1906	1,249,054	224,821	1,389,567	83,374	16,917	230,922	33,116	1,549,586	816,880	9,690,327	526,419	254,339
GRAND TOTAL 1905	1,620,290	135,908	1,705,232	868,460	10,582	696,313	46,543	3,327,180	202,477	2,123,127	498,506	630,203
1904	841,970	179,373	954,078	1,285,290	5,081	636,112	26,044	2,907,115	435,109	2,938,532	884,754	522,607

* One maund of paddy is equivalent to 25 seers of rice

† Including gunny-sack, 2 yards = 1 bag

1

by Rail, Road, River, Canal and Sea (coastwise) in April 1906.

No II

Statement of the Routes by which the Articles enumerated in Table No I were imported into the Calcutta trade block in April 1906.

ROUTES	FOOD-GRAINS						FIBROUS PRODUCTS		OILSEEDS	
	Rice	Paddy	Wheat	Wheat flour	Gram and pulse	Other food-grains	Jute, raw	Gunny-bags*	Linseed	Mustard seed
By boat	Mds	Mds	Mds	Mds	Mds	Mds	Mds	No	Mds	Mds
... river steamer	393,350	16,092	2,067	4	47,839	1,196	254,965	8,357,666	18,621	1,255
E. I. Railway	241,231	13,471	76,087	13,206	116,759	22,609	114,384	35,945	441,624	236,620
E. E. S. Railway (including B. C. Railway)	109,078	42	299	.....	54,131	7,715	275,386	728,350	31,655	811
A.-B. Railway	1	.....	.....	.....	.....	.....	14	3,185	.....	.....
B.-N. Railway	314,483	145,153	6,059	.....	53,604	133	10,300	16,065	29,660	372
Bombay Railways	...	.....	.....	.....	27,520	.....	.....	.....	.....	.....
Howrah-Amta and Howrah-Sheakhali Light Railways†	478	18	.....	.....	14	.....	230	2,975	74	.....
... road	96,800	13,777	.....	.....	2,506	.....	37,210	185,066	471	20
... sea	89,914	35,083	.....	.....	25,781	1,108	45,864	.....	.....	.....
Total	1906	1,249,054	224,821	83,374	13,217	330,262	33,116	816,839	9,939,327	526,419
	1905	1,620,290	135,908	868,460	10,582	696,313	46,543	292,477	2,123,127	408,866
	1904	841,970	179,373	1,235,800	5,061	636,112	26,044	435,100	2,935,532	884,784
										522,607

ROUTES.	Tea, Indian	Cotton, raw	Silk, raw	Coal and coke	Indigo	SUGAR		TOBACCO	
						Refined	Unrefined	Unmanufactured	Manufactured
By boat	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds
... river steamer	.....	304	.....	3,761	.....	331	23,374	5,451	2
E. I. Railway	6	26,962	103	9,514,636	5	190	5,201	5,360	1,050
E. E. S. Railway (including B. C. Railway)	1,123	2,137	66	.....	.....	259	6,562	25,450	.....
A.-B. Railway	321	5,696	.....	.....	.....	.....	150	9	76
E.-N. Railway	.....	2,347	.....	3,294,098	.....	.....	.....	25	.....
Bombay Railways	.....	17,586	.....	.....	.....	.....	6	.....	.....
Howrah-Amta and Howrah-Sheakhali Light Railways†	.....	.....	.....	.....	.....	.....	.....	.....	.....
... road	.....	747	.....	6,300	.....	10,929	15,107	2,159	1,282
... sea	191	18,910	.....	.....	.....	3,283	.....	68	168
Total	1906	4,673	23,440	838	12,865,090	5	14,963	51,409	48,621
	1905	1,554	145,840	1,292	15,424,517	758	18,678	65,236	69,781
	1904	4,406	62,825	1,115	7,711,700	1,335	91,029	65,898	59,276

* Including gunny-cloth, 2 yards = 1 bag

† Trade carried by these Railways was not registered previous to April 1905.

No III

Imports of certain Articles into Calcutta by Sea (Foreign and Coastwise) in April 1906.

	COTTON PIECE-GOODS		COTTON YARN		Salt	Kerosene oil
	European	Indian	European	Indian		
From Foreign Countries—		Rs.	Rs	Mds	Mds	Mds
United Kingdom	...	1,67,15,055	.....	15,929	.....	367,287
Other countries	...	1,23,211	.....	370	.....	607,586
	Total	1,68,38,266	.....	16,299	.....	974,873
Coastwise—						
Bombay	...	23,398	2,73,788	.....	13,315	52,488
Sind	...	2,532	.....	.....	.....	.....
Madras	...	.....	70,946	.....	.....	.....
Burma	...	3,690	.....	.....	18	80,460
Other ports	...	.....	.....	.....	11	.....
	Total	29,620	3,34,734	.....	13,344	52,488
						80,460
Total	1906	1,68,67,30,886	3,34,734	16,299	13,344	1,027,361
	1905	1,56,91,650	2,18,800	10,853	6,101	1438,002
	1904	1,15,31,033	1,60,473	6,983	11,611	973,860
						185,653
						321,990
						317,518

No IV

Exports of Principal Articles from Calcutta by Sea (Coastwise and to Foreign countries) in April 1906

	Rice	Paddy	Total (in rice)	Wheat	Wheat flour	Gram and pulse	Other food-grains	Total	Jute, raw	Gunny-bags
<i>Coastwise—</i>	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds	No
Bombay ...	37,927	....	37,927	....	....	584	68	38,579	....	1,630,900
Sind ...	200	....	200	....	....	....	....	200	....	952,000
Madras ...	1	....	1	....	1,096	3,720	1,497	6,314	....	101,050
Other ports in Madras ...	105,000	905	105,574	....	1,907	8,388	....	115,860	....	329,154
Pondichery ...	....	....	....	....	367	99	....	466	....	12,500
Kattywar ...	....	....	....	....	....	....	....	....	....	....
Allepey ...	1,986	....	1,986	....	....	....	....	1,986	....	3,000
Burma ...	3,589	....	3,589	603	21,100	12,615	1,094	39,001	225	2,270,900
Other Indian ports ...	8	....	8	122	884	327	5	1,346	....	26,405
Total ...	148,720	905	149,235	725	25,354	25,733	2,664	203,761	225	5,325,919
<i>To Foreign countries—</i>										
United Kingdom	27,707	....	27,707	....	....	29,919	....	57,626	336,602	3,511,200
Other countries	788,608	....	788,608	3,050	6,453	26,502	2,880	827,493	539,777	34,570,861
Total ...	816,315	....	816,315	3,050	6,453	56,421	2,880	885,119	876,370	38,082,061
1906 ...	965,035	905	965,600	3,775	31,807	82,154	5,544	1,088,880	876,604	43,407,980
Total 1905 ...	1,140,126	18,632	1,160,771	217,143	32,080	172,906	16,884	1,599,784	447,296	51,415,300
1904 ...	1,057,421	879	1,057,970	813,670	41,089	402,811	10,490	2,325,530	306,053	48,696,446

	Linseed	Mustard seed	Tea, Indian	Cotton, raw	Silk, raw	Coal and coke	Indigo	SUGAR		TOBACCO	
								Re-refined	Un-refined	Un-manufactured	Manu-factured
<i>Coastwise—</i>	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds	Mds
Bombay ...	....	....	3,502	....	....	2,400,210	24	367	....	....	21
Sind ...	....	....	206	....	....	789,227	....	....	....	....	182
Madras ...	....	....	166	....	....	121,929	....	86	....	....	8
Other ports in Madras ...	....	1,131	44	....	....	427,879	....	1	....	....	90
Pondichery ...	....	....	....	....	....	....	....	....	....	....	....
Kattywar ...	....	....	3	....	....	147,136	....	....	....	....	....
Allepey ...	....	....	....	....	....	....	....	....	....	....	....
Burma ...	....	....	858	369	2	863,427	....	1,382	1,814	1,319	132
Other Indian ports ...	4	....	....	4	....	8,901	....	1,016	10	248	15
Total ...	4	1,131	4,779	373	2	4,757,709	24	2,752	1,824	1,567	448
<i>To Foreign countries—</i>											
United Kingdom	270,036	31,331	10,482	3,574	245	....	708	....	....	....	11
Other countries	27,388	10,512	3,458	86,088	1,100	2,115,412	1,084	105	....	792	54
Total ...	297,424	41,843	13,890	89,662	1,345	2,115,412	1,882	105	....	792	65
1906 ...	277,428	42,974	18,669	90,035	1,347	6,873,121	1,906	2,857	1,824	2,359	513
Total 1905 ...	307,789	48,912	8,959	43,638	1,256	7,612,586	3,716	3,347	530	8,014	437
1904 ...	581,537	81,591	6,147	44,013	1,452	5,842,814	9,606	4,605	1,462	4,240	587

No V

Exports of certain Articles from the Calcutta Trade Block by Rail, Road, River, Canal, and Sea (coastrise) in April 1906

	COTTON PIECE-GOODS*		COTTON YARN		Salt	KEROSENE OIL		Gunny-bags†
	European	Indian	European	Indian		Mds	Mds	
BENGAL								
Burdwan	2,50,436	5,633	144	1,294	37,284	330	10,183	66,685
Birbhum	1,89,312	1,218	108	1,324	19,526	12	2,408	37,170
Bankura	52,205	354	.....	638	8,560	.....	.....	25,235
Midnapore	3,39,081	23,254	961	1,260	59,241	88	.....	73,330
Hooghly	1,47,884	40,543	587	26	34,450	4,858	1,368	46,880
24-Parganas	3,20,640	62,079	367	43	25,102	13,358	3,684	31,138
Calcutta	.....	.....	.....	.....	.....	.....	45,827	.....
Nadia	4,50,828	15,218	707	868	34,165	991	8,192	63,008
Murshidabad	1,32,516	1,239	65	208	13,723	18	4,550	13,378
Jessore	1,10,883	82,875	612	285	16,728	5,056	2,158	6,900
Khulna	87,928	65,062	78	.....	15,291	3,455	.....	4,375
Total Bengal	20,64,722	2,97,485	3,510	5,046	264,870	28,206	77,770	371,607
BIHAR								
Patna	5,07,339	1,928	304	443	27,774	21	14,445	144,216
Gaya	5,99,688	1,827	203	1,847	32,550	18	2,134	68,250
Shahabad	4,70,876	3,077	23	101	15,537	50	2,090	50,120
Saran	6,31,584	17,916	88	256	28,908	.....	2,214	36,015
Chittarpur	6,82,066	5,582	28	204	36,432	16	3,204	55,055
Muzaffarpur	4,27,464	10,456	26	90	51,876	24	6,666	84,695
Darbhanga	5,47,704	3,350	.....	636	40,500	42	2,707	87,920
Monghyr	2,63,500	.....	23	522	14,786	26	4,541	88,060
Bhagalpur	4,44,888	5,532	76	397	45,581	2	3,513	79,745
Purnea	5,80,657	2,385	160	1,704	62,970	1,521	6,300	31,815
Sonthal Parganas	1,88,966	162	47	583	24,652	15	6,223	24,220
Darjeeling	1,37,961	8,475	75	437	12,812	139	3,072	12,425
Cooch Behar	1,27,512	1,878	.....	91	7,178	17	139	3,465
Total Bihar	56,16,135	62,556	1,143	7,480	410,256	1,891	57,248	750,971
ORISSA								
Cuttack	1,03,400	4,735	.....	1,242	1,188	.....	.....	24,850
Balasore	86,439	.....	354	4,313	41,778	39	.....	167,880
Puri	8,452	.....	.....	18	.....	94	.....	7,700
Sambalpur	26,807	152	.....	220	3,118	24	.....	23,730
Mourbhanj State	6,696	.....	.....	.....	1,188	.....	.....	2,650
Total Orissa	2,34,794	4,887	354	5,793	47,272	157	.....	166,770
CHOTA NAGPUR								
Hazaribagh	1,26,851	710	.....	.....	7,168	14	975	910
Palamu	60,472	61	2	.....	8,541	.....	393	4,785
Manbhum	3,16,253	1,335	19	1,951	37,442	173	1,316	28,455
Singhbhum	20,162	.....	.....	54	13,167	12	.....	29,260
Gangpur (Tr. boundary State)	8,511	.....	.....	12	3,059	4	5	455
Total Chota Nagpur	5,31,249	2,096	21	2,017	69,187	203	2,689	63,875
Total Exports to the Provinces under the Lieutenant-Governor of Bengal.	84,46,900	3,67,024	5,037	21,236	791,585	30,457	137,707	1,361,713
OTHER PROVINCES AND PLACES								
Burma	65,250	4,869	186	4,837	.....	.....	.....	2,270,910
E. B and Assam	35,17,359	74,602	11,348	2,230	369,569	6,305	59,387	218,070
U. P of Agra and Oudh	54,83,864	31,032	1,875	250	70,939	212	39,057	90,095
Panjab	11,07,355	13,626	809	12	.....	65	3,521	684,985
Sind	5,075	.....	30	24	.....	.....	.....	162,000
Central Provinces and Berar	1,30,463	305	24	174	.....	70	2,169	218,540
Bombay	14,312	6,590	32	.....	.....	.....	.....	2,288,865
Madras	1,22,885	305	.....	748	.....	35	715	463,194
Rajputana and Central India	1,49,240	794	65	2	.....	.....	2,960	36,640
Nizam's Territory	4,287	.....	51	.....	.....	.....	.....	6,020
Mysore	.....	.....	.....	.....	.....	.....	.....	3,000
Allepey	.....	.....	.....	.....	.....	.....	.....	12,500
Pondicherry	.....	.....	.....	.....	.....	.....	.....	.....
Port Blair	2,647	.....	.....	276	.....	.....	43	.....
GRAND TOTAL	1906 { 1,90,58,542	4,99,298	19,336	30,183	1,232,068	37,134	256,559	9,416,342
	1905 { 1,39,68,523	1,63,782	16,185	34,336	1,310,653	45,437	4,968	10,490,372
	1904 { 1,34,97,703	1,13,087	17,167	33,840	1,26,951	51,424	428,758	14,012,580

* The value rates are fixed quarterly, and the monthly valuation is made at the value rates of the preceding quarter.

† Represents the trade registered at the traffic-registering stations only.

‡ Including gunny-cloth, 2 yards = 1 bag.

SUPPLEMENT TO THE CALCUTTA GAZETTE, JULY 11, 1906.

No VI

Statement of the Routes by which the Articles enumerated in Table No V were exported from the Calcutta trade block in April 1906

		COTTON PINCH-GOODS*		COTTON YARN		Salt	KEROSENE OIL		Gunny-bags†	
		European	Indian	European	Indian		From	From		
							Calcutta	Budge-Budge		
By boat	..	Rs	Rs	Mds	Mds	Mds	Mds	Mds	No	
" river steamer	..	1,64,600	50,300	549	.....	160,244	15,623	1,650	59,883
" rail	..	17,95,118	1,116	7,220	.....	109,868	1,942	35,010	132,465
E I Railway	..	1,20,04,600	1,04,165	3,150	10,453	498,575	2,357	124,188	2,157,085	
E B & S Railway (including B C Railway)	..	33,10,377	2,49,081	5,269	4,163	251,518	4,174	92,085	198,065	
A-B Railway	..	3,59,873	913	1,569	290	4,336	374	603	9,030	
B-N Railway	..	5,36,718	8,990	2	6,766	100,276	307	2,339	437,360	
N-W Railway	..	1,06,424	1,437	324	.....	.....	55	.....	328,230
Bombay Railway	..	1,51,924	2,008	63	244	.....	7	20	762,545
Howrah-Amta and Howrah-Sheakhalia Light Railways‡	..	67,896	.....	180	.....	728	69	.....	2,345
" road	..	3,19,036	72,090	412	.....	9,205	12,226	616	3,475
" sea	..	1,81,976	10,080	598	8,267	17,318	.....	43	5,325,919
Total	..	1906	1,90,58,542	4,99,298	10,336	30,183	1,232,093	37,134	250,559	9,416,342
		1905	1,89,08,523	1,63,782	16,185	34,333	1,210,653	45,437	404,968	10,490,272
		1904	1,34,97,703	1,13,087	17,167	33,840	926,951	51,424	428,753	14,012,530

* The value rates are fixed quarterly and the monthly valuation is made at the value rates of the preceding quarter

† Including gunny-cloth, 2 yards = 1 bag

‡ Trade carried by these railways was not registered previous to April 1906

F. NORI-PATON,
Director-General of Commercial Intelligence
R. W. CARLYLE
Chief Secretary to the Government of Bengal

July 10, 1906